DAVID Y. IGE GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D. DIRECTOR OF HEALTH

STATE OF HAWAII DEPARTMENT OF HEALTH P.O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of S.B. 3118 RELATING TO TOBACCO PRODUCTS

SENATOR JARRETT KEOHOKALOLE, CHAIR SENATE COMMITTEE ON HEALTH

Hearing Date: 2/2/2022

Room Number: Videoconference

1 Fiscal Implications: The fiscal impact of a ban on flavored tobacco products in Hawaii would

2 result in modest reductions in Hawaii's tax revenues while at the same time leading to reductions

3 in chronic diseases and health care spending, including Medicaid spending in the state.

Department Testimony: The Department of Health (DOH) supports Senate Bill 3118 4 (S.B. 3118) as both a health equity and social justice issue to protect the next generation from 5 lifelong addiction to tobacco use. S.B. 3118 prohibits the sale of flavored tobacco products 6 7 (including products derived from nicotine and menthol tobacco products) and prohibits the mislabeling as nicotine-free any e-liquid products containing nicotine. This is one of two 8 9 important youth tobacco prevention policies, the other being S.B. 3119 that insert e-cigarettes 10 into tobacco shipping and handling restrictions and tobacco tax laws. S.B. 3118 and S.B. 3119 together create the protective barrier between the youth and the promotion and sales of 11 e-cigarettes. 12

The absence of protective policies for youth and e-cigarettes contributed to the twentytwo percent increase for high school and thirteen percent increase in use rates by middle school students. Thirty-one percent of Hawaii's high school and eighteen percent of Hawaii's middle school students using e-cigarettes in the past 30 days (current use), with highest rates on the

neighbor islands.^{1,2} The unrestricted promotion of e-cigarettes has addicted a new generation of 1 2 young people to nicotine, increased exposure to harmful substances and likelihood for smoking cigarettes in the future.³ 3

Since 2014, e-cigarettes have been the most commonly used tobacco product among U.S. 4 youth.⁴ Scientific studies report that flavors are one of the main reasons that youth use tobacco. 5 6 According to the 2013-2014 Population Assessment of Tobacco and Health (PATH) study, 81% of 12-17-year-old youths who had ever used a tobacco product-initiated tobacco use with a 7 flavored product. Additionally, 80% of current users had used a flavored product in the last 8 month.⁵ In 2019, the large majority of youth who vaped reported using flavored electronic 9 10 smoking devices, with fruit, menthol or mint, candy, desserts, or other sweets being the most commonly used.^{6,7} According to the same research, mint and menthol went from being among 11 the least popular to among the most popular flavors for high school students over the past four 12 years.⁸ Data from another 2019 study revealed that the most popular flavor among 10th and 12th 13 grade Juul users was mint.⁹ These data illustrate that trends among youth users of flavored e-14 cigarette products change quickly and therefore must be addressed swiftly. 15

¹ HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii's Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products-Use, past 30 days, High Schools, State-level. http://ibis.hhdw.org/ibisph-

view/query/result/yrbs/VaporCurr/VaporCurr_HS_ST.html ² HHDW. (2019). Hawaii-IBIS - Query Result—Hawaii's Youth Risk Behavior Survey (YRBS) Data—Electronic vapor products-Use, past 30 days, Middle Schools, State-level. http://ibis.hhdw.org/ibisphview/query/result/yrbs/VaporCurr/VaporCurr_MS_ST.html

³ US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. pdf icon [PDF - 8.47MB]. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. Accessed July 27, 2018.

⁴ Arrazola RA, Singh T, Corey CG, et al. Tobacco use among middle and high school students—United States, 2011–2014. MMWR Morb Mortal Wkly Rep 2015;64:381-5. PMID:25879896

⁵ Ambrose, B. K., Day, H. R., Rostron, B., Conway, K. P., Borek, N., Hyland, A., & Villanti, A. C. (2015). Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. JAMA, 314(17), 1871-1873. https://doi.org/10.1001/jama.2015.13802

⁶ Campaign for Tobacco-Free Kids, Statement of Matthew L. Myers, President, "JAMA Studies Show Youth E-Cigarette Epidemic is Getting Worse and Kids Shifted to Mint/ Menthol After Other Flavors Were Restricted", November 5, 2019, retrieved from https://www.tobaccofreekids.org/press-releases/2019_11_05_jama

⁷ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States,

^{2019.} JAMA. 2019;322(21):2095-2103. doi:10.1001/jama.2019.18387

⁸ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States,

^{2019.} JAMA. 2019;322(21):2095-2103. doi:10.1001/jama.2019.18387

⁹ Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O'Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. JAMA. 2019;322(21):2132-2134. doi:10.1001/jama.2019.17968

Menthol flavors are too often exempted from tobacco control policies.¹⁰ Menthol is an 1 organic compound that has cooling, analgesic, and irritative properties, which can change the 2 way the brain registers the sensations of taste and pain.¹¹ Menthol in cigarettes can make 3 harmful chemicals more easily absorbed in the body.¹² Menthol also facilitates absorption by 4 masking the harshness of, and making it easier to inhale, cigarette smoke. The availability of 5 menthol cigarettes likely increases experimentation and progression to regular smoking, and the 6 availability of menthol increases the likelihood of addiction for youth smokers.^{13,14} Exempting 7 menthol perpetuates social injustice as menthol flavoring has been used by the tobacco industry 8 9 to appeal to youth, racial minorities, and marginalized populations. The tobacco industry has targeted minority groups such as the lesbian, gay, bisexual and transgender (LGBT) 10 community,¹⁵ Asian Americans, Pacific Islanders, Native Hawaiians,¹⁶ and African Americans.¹⁷ 11 Menthol use is also high among those with behavioral health conditions¹⁸ and those who are 12 socioeconomically disadvantaged.¹⁹ 13

14

The DOH supports S.B. 3118 and urges S.B. 3119 also be scheduled so together, there would be a comprehensive legislative response to the epidemic of youth vaping. 15

¹⁰ The importance of strong local flavored tobacco policies. (n.d.). Truth Initiative. Retrieved February 1, 2021, from https://truthinitiative.org/research-resources/emerging-tobacco-products/study-highlights-importance-strong-local-flavored ¹¹ 45 U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National

Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. ¹² U.S. Department of Health and Human Services. Tobacco Use Among U.S. Racial/Ethnic Minority Groups-African Americans, American Indians and Alaska Natives, Asian Americans and Pacific Islanders, and Hispanics: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health, 1998

¹³ 8 U.S. Food and Drug Administration, Tobacco Products Scientific Advisory Committee. Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations. March 23, 2011. Available at:

https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/Commi Materials/Tobacco Products Scientific Advisory Committee/UCM269697.pdf

¹⁴ U.S. Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013. Available at: http://purl.fdlp.gov/GPO/gpo39032

¹⁵ Washington, H. (2002). Burning Love: Big Tobacco Takes Aim at LGBT Youths / AJPH / Vol. 92 Issue 7. American Journal of Public Health. https://ajph.aphapublications.org/doi/full/10.2105/AJPH.92.7.1086

¹⁶ Muggli, M. E., Pollay, R. W., Lew, R., & Joseph, A. M. (2002). Targeting of Asian Americans and Pacific Islanders by the tobacco industry: Results from the Minnesota Tobacco Document Depository. Tobacco Control, 11(3), 201-209. https://doi.org/10.1136/tc.11.3.201

¹⁷ Primack, B. A., Bost, J. E., Land, S. R., & Fine, M. J. (2007). Volume of Tobacco Advertising in African American Markets: Systematic Review and Meta-Analysis. Public Health Reports, 122(5), 607-615.

¹⁸ National Survey on Drug Use and health, 2018

¹⁹ National Survey on Drug Use and health, 2018

- 1 Thank you for this opportunity to testify.
- 2 **Offered Amendments:** None



То:	The Honorable Senator Keohokalole, Chair The Honorable Senator Baker, Vice-Chair Committee on Health
From:	Peggy Mierzwa, Government Affairs, AlohaCare
Hearing:	Wednesday, February 2, 2022
RE:	SB3118 Relating to Tobacco Products

AlohaCare appreciates the opportunity to provide testimony in **strong support** of **SB3118.** This measure would prohibit the sale of all flavored tobacco products, including menthol cigarettes.

Founded in 1994 by Hawai'i's community health centers, AlohaCare is a community-rooted, non-profit health plan serving 80,000 Medicaid and dual-eligible health plan members on all islands. We are the only health plan in Hawaii that exclusively serves Medicaid beneficiaries. Our mission is to serve individuals and communities in the true spirit of aloha by ensuring and advocating for access to quality health care for all. We believe that health is about supporting whole-person care.

Flavored tobacco products, including flavored vaping products are designed and marketed to entice youth. Hawaii has been experiencing a youth vaping epidemic and everything must be done to protect our young people's health from the vaping and tobacco industry's efforts to get them addicted to life-threating habits.

According to Hawai'i BRFSS (2008), 78% of Native Hawaiian and Pacific Islander smokers were using menthol cigarettes, and in 2020, 80% of youth who were using e-cigarettes reported using flavored products. Banning the sale of flavored tobacco products with greatly reduce the number of tobacco users in our state. Tobacco consumption results in health problems that creates hundreds of millions in added health care costs for the State and contributes to health disparities and poor health outcomes.

Similar laws have been passed in five other states as well as a number of cities. We thank this committee for hearing this bill and considering to take positive action to protect the public health of all residents.

Mahalo for this opportunity to testify in strong support of SB3118.



American Cancer Society Cancer Action Network 2370 Nu'uanu Avenue Honolulu, Hi 96817 808.460.6109 www.fightcancer.org

Senate Committee on Health Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair

Hearing: February 2, 2022

ACS CAN STRONGLY SUPPORTS SB 3118 - RELATING TO TOBACCO PRODUCTS

Cynthia Au, Government Relations Director – Hawaii Pacific American Cancer Society Cancer Action Network

Thank you for the opportunity to provide testimony in STRONG SUPPORT of SB 3118, which prohibits the sale of flavored tobacco products beginning January 1, 2023.

It is estimated that in Hawaii, over 7,730 people will be diagnosed with cancer in 2022.ⁱ Despite the fact that US cancer death rates have decreased by 32 percent from 1991 to 2019, not all have benefited equally from the advances in prevention, early detection, and treatments that have helped achieve these lower rates.ⁱⁱ Significant differences persist in cancer incidence, survival, morbidity, and mortality among specific populations. Lung cancer remains the leading cause of cancer deaths in Hawaii.

Tobacco use remains the leading preventable cause of death nationwide. In Hawaii, it is estimated that 1,400 adults die from smoking every year.ⁱⁱⁱ There are 21,000 keiki who are alive now that will die prematurely due to smoking-related disease.^{iv} It is the single largest preventable cause of death. The annual health care costs in Hawaii directly caused by smoking are \$526 million.^v

Recent spikes in the use of e-cigarettes makes clear that more must be done to regulate tobacco products and the industry's deceptive marketing practices.

1

Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal.^{vi} Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies.^{vii} Products with flavors like cherry, grape, cotton candy, and gummy bear are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth.^{viii} Furthermore, youth report flavors a leading reason they use tobacco products and perceive flavored products as less harmful.^{ix,x}

Data from the 2016-2017 PATH study, the largest national longitudinal study looking at tobacco use and its effects, found that among teens who use e-cigarettes, 97.0 percent regularly used a flavored product.^{xi} Also, among those teens who had ever tried an e-cigarette, 96.1 percent used a flavor product for the first time. In 2019, 71.7 percent of high school students who currently use an ecigarette use a flavored product, and the percentage is 59.9 percent for middle school students. Among exclusive users of e-cigarettes, use of mint or menthol flavored e-cigarettes went up from 16.0 percent in 2016 to 57.3 percent in 2019, while candy-, dessert- and other sweet-flavors decreased.^{xii} Among young adults who reported using e-cigarettes every or some days in 2013-2014 91.6 percent used a flavored product.^{xiii}

Long before cigarette companies started adding fruit, candy, and alcohol flavorings to cigarettes, they were manipulating levels of menthol to addict new, young smokers. Menthol acts to mask the harsh taste of tobacco with a minty flavor and by reducing irritation at the back of the throat with a cooling sensation. Additionally, menthol may enhance the delivery of nicotine. Knowing that youth who experience less negative physiological effects of smoking are more likely to continue smoking regularly, the tobacco industry has spent decades manipulating its menthol brand-specific product line to appeal to youth and Pacific Islanders. The FDA's preliminary scientific investigation on menthol cigarettes concluded that menthol cigarette smoking increases initiation and progression to smoking, increases dependency, and reduces cessation success.^{xiv}

2

Recognizing the danger that flavors in cigarettes have in attracting and addicting new smokers, especially youth, the Family Smoking Prevention and Tobacco Control Act (TCA) of 2009 prohibited the use of characterizing flavors, except for menthol and tobacco, in cigarettes. To understand a consequence to limiting the flavor prohibition to only cigarettes and exempting menthol flavoring, an analysis evaluated youth tobacco use before and after the prohibition.^{xv} The analysis found a decrease in the likelihood of being a smoker (17.1 percent) and fewer cigarettes smoked (59 percent) associated with the flavor prohibition, but also a 45 percent increase in the probability that the youth smoker used menthol cigarettes. Furthermore, the flavor prohibition was associated with increases in both cigar use (34.4 percent) and pipe use (54.6 percent). This suggests that youth smokers, in the absence of comprehensive sales restriction on all flavors and all products, are substituting with menthol cigarettes or cigars and pipe tobacco, for which the federal flavor prohibition does not apply.

The aggressive use of flavors and marketing tactics by the tobacco industry, rapid increased use of flavored products by youth and young adults, and under regulation of these products requires the Hawaii to take action to protect youth and young adults, and the public health at-large.

The disparities in flavored tobacco products use in the state are contributing to the negative health disparities that exists and must be addressed. ACS CAN strongly recommends implementing evidence-based policies to prevent the initiation and use of all tobacco products. The use of products containing nicotine in any form among youth is unsafe and can harm brain development.

SB 3118 will make it harder for the tobacco industry to target youth and young adults with enticing flavors. This legislation is one part of a comprehensive tobacco control strategy that includes regular and significant tobacco tax increases, implementing comprehensive smoke-free laws, and fully funding best practice tobacco prevention and cessation programs to reduce youth initiation and help people who use tobacco quit. As of June 8, 2021, 1 state and at least 120 localities have enacted laws restricting the sale of all flavored tobacco products including menthol cigarettes. It's time for the State of Hawaii to join them.

3

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit non-partisan

advocacy affiliate of the American Cancer Society, advocates for public policies that reduce death

and suffering from cancer which include policies targeted at reducing tobacco use. Thank you for

the opportunity to provide testimony on this important matter.

ⁱ American Cancer Society. Cancer Facts & Figures 2022. Atlanta: American Cancer Society; 2022.

https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2022/2022-cancer-facts-and-figures.pdf

ⁱⁱ American Cancer Society. Cancer Facts & Figures 2022. Atlanta: American Cancer Society; 2022.

https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2022/2022-cancer-facts-and-figures.pdf

^{III} Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 21.2022. https://www.tobaccofreekids.org/problem/toll-us/hawaii

th Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 21.2022. https://www.tobaccofreekids.org/problem/toll-us/hawaii

^v Campaign for Tobacco-Free Kids. The Toll of Tobacco in Hawaii. Updated January 21.2022.

https://www.tobaccofreekids.org/problem/toll-us/hawaii

^{vi} FDA Guidance for Industry and FDA Staff, "General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors (Edition 2) ("FDA Guidance on Characterizing Flavors").

^{vii} Delnevo, C, et al., "Preference for flavoured cigar brands among youth, young adults and adults in the USA," Tobacco Control, epub ahead of print, April 10, 2014. King, BA, et al., "Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students," Journal of Adolescent Health 54(1):40-6, January 2014

viii Carpenter CM, Wayne GF, Pauly JL, Koh HK, Connolly GN. New cigarette brands with flavors that appeal to youth: tobacco marketing strategies. Health Affairs. 2005; 24(6): 1601-1610

^{*} Ambrose et al. Flavored tobacco product use among U.S. youth aged 12-17 years, 2013-2014. JAMA, 2015; 314(17): 1871-3. ^{*} Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. Tobacco Control 2016.

^{xi} FDA Draft Guidance for Industry, Modifications to Compliance Policy for Certain Deemed Tobacco Products. March 2019.

^{xii} Cullen et al. e-Cigarette Use Among Youth in the United States, 2019. JAMA, 2019; 322(21):2095-2103

xⁱⁱⁱ U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

^{xiv} FDA. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes. https://www.fda.gov/media/86497/download

^{xv} Courtemanche CJ, Palmer MK, Pesko MF. Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use. Am J Prev Med. 2017;52(5):e139–e146. doi:10.1016/j.amepre.2016.11.019



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American Heart Association testimony for SB 3118, "Relating to Flavored Tobacco Products"

February 2, 2022

The American Heart Association strongly **supports SB 3118**, "Relating to Flavored Tobacco Products."

Tobacco use among kids is being driven by youth-friendly e-cigarette flavors like mint, fruit, and candy. From 2017 to 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%), according to the CDC's 2019 National Youth Tobacco Survey. Numbers among Hawaii youths are even higher, especially on neighbor islands.

E-cigarettes are available in thousands of youth-appealing flavors, including fruit, candy, mint and menthol. The overwhelming majority of youth ecigarette users report using flavored products. Tobacco companies target youth and adolescents with million-dollar marketing campaigns and thousands of appealing flavors that are specifically designed to attract and hook kids.

Mint and menthol flavored tobacco products are heavily marketed to kids, especially those from communities of color and the LGBTQ community with products specifically designed to entice them. A 2019 Stanford study found that JUUL's initial advertising campaigns were "patently youth-oriented." Nearly two-thirds of high school students who use e-cigarettes use mint or menthol flavors. Menthol products, with their cooling and soothing effects, entice kids to use tobacco products. More than half of all youth and young adult smokers smoke menthol cigarettes.

Though e-cigarettes are the most commonly used tobacco product among middle and high school students, they are also using other flavored tobacco products such as cigars, cigarettes, hookahs and chewing tobacco. The CDC's 2019 National Youth Tobacco Survey found that nearly 1 in 3 high school students have used a tobacco product in the last 30 days.

And even though e-cigarettes are often marketed as a less harmful alternative to traditional cigarettes, there's no evidence on the long-term health impact of their use. What is known is that nicotine can have adverse health effects on kids, such as causing addiction to dangerous tobacco products, harming their brain development, and increasing the risk of heart disease. Recent studies have found that e-cigarettes decrease blood flow in the heart even more than traditional cigarettes and can worsen heart disease risk factors such as high cholesterol.

Current FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use, state and local governments need to move forward to address loopholes. Under the FDA's guidance, thousands of e-cigarette flavors will remain on the market since the policy exempts menthol ecigarettes and allows fruit, candy, and mint flavored liquid nicotine used in refillable open tank systems or in disposable e-cigarettes (like the popular brand Puff Bar), to stay on the market. In addition, other flavored tobacco products such as menthol cigarettes and flavored smokeless tobacco and cigars are still allowed to be sold.

Recently, Massachusetts became the first state to prohibit the sale of all flavored tobacco products—including menthol. We respectfully urge Hawaii legislators to make our state the second to enact such policy to address our extremely high youth use rates.

Mahalo for this opportunity to testify,

Respectfully submitted,

Kalani Brady, M.D., MPH, FACP American Heart Association volunteer



COMMITTEE ON HEALTH Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair

Wednesday, February 2, 2022, 1:00PM

Testimony in Support of SB 3118 Relating to Tobacco Products

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education, and advocacy. The work of the American Lung Association in Hawaii and across the nation is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

The American Lung Association calls on Hawaii officials to support SB 3118 and restrict the sales of flavored tobacco products to protect youth. Tobacco use remains Hawaii's and the nation's leading cause of preventable death and disease, taking an estimated 480,000 lives every year in the U.S.

It is imperative that the bill restricts all flavors of tobacco, including menthol for the following reasons:

- 1. Menthol keeps the most vulnerable addicted. Overwhelming scientific evidence not only supports the restriction of menthol cigarettes to protect public health and save thousands of lives, but also indicates that restrictions should be implemented urgently. The prevalence of menthol tobacco use has remained constant in recent years, despite declines in non-menthol tobacco usage¹. Menthol flavored tobacco products disproportionately affect minorities and other vulnerable populations.
- 2. Menthol is a barrier for quitting tobacco. In a letter to the Food and Drug Administration dated January 22, 2021, the Hawaii State Attorney General stated that menthol tobacco products "remain a major barrier to smoking cessation and reduction of smoking-related diseases. Although the tobacco industry argues that a ban will increase illicit trade, these warnings are overblown and self-serving. Robust measures for monitoring and enforcement are already in place. A ban on menthol cigarettes will benefit public health and there are no compelling reasons why these products should remain on the market."
- **3.** Menthol is preferred by young people because it masks harsh flavors of tobacco. Research has shown that mint (or menthol) flavors are the most attractive to the young people. In fact, mint is the number one choice for teens who vape nicotine².

The need for Hawaii to protect youth from tobacco is more urgent than ever, with youth e-cigarette use reaching epidemic levels. According to the Centers for Disease Control, in 2019 nearly every 1 in 3 high schoolers in Hawaii vape regularly.

¹ Kuiper NM, et al. Trends in sales of flavored and menthol tobacco products in the United States during 2011-2015. Nicotine Tob Res. 2018;20(6):698–706.

² Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O'Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. JAMA. 2019;322(21):2132–2134. doi:10.1001/jama.2019.17968

American Lung Association.

This is an over 70% increase in youth vaping rates since 2017. Native Hawaiians and Pacific Islanders have even higher vaping rates than the youth state average.³

The American Lung Association in Hawaii urges legislators to continue to support and advocate for policies to protect youth from tobacco use by restricting flavored tobacco products. We urge for your support of Senate Bill 3118.

Teder Han

Pedro Haro Executive Director American Lung Association in Hawaii pedro.haro@lung.org

³ American Lung Association. State of Tobacco Control – Hawaii. 2020



January 30, 2022

Honorable Chair Senator Jarrett Keohokalole Honorable Vice-Chair Senator Rosalyn Baker Members of the Health Committee

RE: Strong Support of SB3118 Relating to Tobacco Products

Dear Senators Keohokalole, Baker, and members of the Health Committee,

This measure is extremely critical to the health of the children of our state and our entire state as well. **Please vote in favor of SB3118**, which will ban the sale of flavored tobacco products and mislabeled e-liquid products.

I am Executive Director of the Hawaii COPD Coalition and serve over 45,000 Hawaii adults diagnosed with COPD in Hawaii (with an estimated equal number still undiagnosed). Chronic Obstructive Pulmonary Disease or COPD is an umbrella of diseases which include emphysema, chronic bronchitis and chronic asthma. Since 2007, I have worked in Hawaii, nationally and internationally with countless people who have had their lungs and lives horribly affected by tobacco and nicotine. Many of these people have become disabled and unable to perform jobs and hobbies they enjoyed, spending a lot more time and resources with healthcare providers and requiring support from society than they or any of us would like.

Sadly, our state is in the middle of a youth vaping epidemic! In Hawai'i one in three high school students and on in five middle school students reported "current use of e-cigarettes according to the Hawai'i YRBSS 2019!

While we are grateful that this legislature has been the first in the nation to pass legislation banning the sale of tobacco and electronic smoking devices to people under 21 in Hawaii, the high number of minors who are currently using e-cigarettes shows that children continue to use these dangerous devices! This is extremely concerning since nicotine is known to be a HIGHLY addictive drug and impacts the developing brain. Pediatricians have reported the brain continues to develop and grow until the young adult is 26 years old! Studies have shown that using e-smoking devices result multiple harms to the lungs, as detailed on the John Hopkins website, <u>What Does Vaping Do to Your Lungs?</u> Johns Hopkins Medicine at <u>www.hopkinsmedicne.org/health/wellness-and-prevention/what-does-vaping-do-to-your-lungs</u>.

The March 2021 Tobacconomics Fact Sheet estimates that more than 3,000 smokers (5.6% of menthol smokers) would quit when flavored and menthol products are banned. Additionally, the fact sheet estimates 700 premature smoking-caused deaths will be avoided. Additionally, fewer youth will be

initiated into smoking because without menthol and other flavors, nicotine is harsh. Preventing kids in Hawaii from becoming addicted smokers would secure millions of dollars in future health cost savings.

Please help protect the lungs and lives of our children from these very harmful products that are spreading virally in our communities and schools, from elementary through high school and beyond. We urge you to please vote in favor of SB1147 SD1 and pass it out of committee so it can become law. The Hawaii COPD Coalition thanks you very much for your careful consideration of this most important and timely bill.

Very truly yours,

Valerie Chang

Valerie Chang Executive Director



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TO: Committee on Health Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair

FROM: HAWAII FOOD INDUSTRY ASSOCIATION Lauren Zirbel, Executive Director

DATE: February 2, 2022 TIME: 1pm PLACE: Via Videoconference

RE: SB3118 Relating to Tobacco Products

Position: Comments

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

Tobacco products are Federally regulated for good reason. Local bans of products that are legal elsewhere can be challenging, if not impossible to enforce, and simply create a large unregulated black market, as we currently have with fireworks.

On January 27 the FDA published an article reiterating that, "The agency remains on track to advance two proposed tobacco product standards – one prohibiting menthol as a characterizing flavor in cigarettes and another prohibiting all characterizing flavors (including menthol) in cigars – by spring. 1"

The FDA also requires that Electronic Nicotine Delivery Systems (ENDS) provide evidence that they have benefit to adult smokers in order to be allowed for sale. Products that fail to provide that evidence are issued Marketing Denial Orders and must be removed from stores. The FDA has already reviewed tens of thousands of such products². This level of review and oversight is possible at the Federal level and helps ensure that adults who are trying to quit smoking have access to valuable smoking cessation tools, while taking steps to keep tobacco products out of the hands of minors.

¹ https://www.fda.gov/news-events/fda-voices/fda-track-take-actions-address-tobacco-related-health-disparities

² https://www.fda.gov/news-events/press-announcements/fda-denies-marketing-applications-about-55000-flavored-ecigarette-products-failing-provide-evidence

Overlapping, or worse yet, contradictory State and Federal guidelines and laws on the same products create an impossible administrative burden for our local businesses. We encourage the committee to avoid that situation. We thank you for the opportunity to testify.



Osa Tui, Jr. President Logan Okita. Vice President Lisa Morrison

Secretary-Treasurer Wilbert Holck Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON HEALTH

RE: SB 3118 - RELATING TO FLAVORED TOBACCO PRODUCTS

WEDNESDAY, FEBRUARY 2, 2022

OSA TUI, JR., PRESIDENT HAWAII STATE TEACHERS ASSOCIATION

Chair Keohokalole and Members of the Committee:

The Hawaii State Teachers Association <u>strongly supports SB 3118</u>, relating to flavored tobacco products. This bill bans the sale of flavored tobacco products and mislabeled e-liquid products. Effective 1/1/2023.

Flavored tobacco products have been proven as the entry point for youth to start smoking. With packaging that looks like it came off the shelf of a candy store and flavors such as Strawberry Watermelon Bubblegum, Unicorn Milk, and Sour Patch Kids, it's no surprise that 81% of youth who ever used tobacco say they started with a flavored product and 97% of youth who vape say they only use a flavored product.

The use of e-smoking products among youth is at epidemic levels, especially in Hawaii. According to the 2017 Youth Risk Behavior Survey, **Hawaii has one of the highest rates of middle and high school usage in the nation at 15.7% and 25.5% respectively.** Moreover, 27% of middle school students and a whopping 42% of high school students have tried e-cigarettes. On the neighbor islands, usage trends are particularly concerning—in Hawaii county 34% of students reported they are regular users while on Kauai 32% are regular users.

Adolescence is a time of crucial brain development; it has been documented that nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. Additionally, nicotine is not the only harmful ingredient in electronic smoking devices; other harmful and potentially harmful ingredients include ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, and heavy metals such as nickel, tin, and lead.

In September 2009, the FDA banned flavored cigarettes. The ban was intended to end the sale of tobacco products with chocolate, vanilla, clove and other flavorings that lure children and teenagers into smoking. According to Dr. Margaret A. Hamburg, commissioner of food and drugs for the FDA from 2009 – 2015 "flavored cigarettes are a gateway for many children and young adults to become regular smokers." Nevertheless, here we are in 2020 with a proliferation of flavored tobacco in the form of e-liquids luring our children into becoming lifelong and habitual nicotine users.

Lastly, HSTA opposes any increase of any fines for youth being added to this bill, as we feel they are the victims in this case. It is the predatory tactics of the vaping industry on our youth that need to be regulated and taxed. So please do NOT add any fines or punishment on our youth who are the victims here. We just want to make this stance clear from the start.

To reduce the youth vaping epidemic and ensure the long-term health and wellbeing of our keiki, the Hawaii State Teachers Association requests you **support this bill**.



Date: February 1, 2022

Kilikina Mahi, MBA Chair KM Consulting LLC

HIPHI Board

Michael Robinson, MBA, MA Immediate Past Chair Hawai'i Pacific Health

JoAnn Tsark, MPH Secretary John A. Burns School of Medicine, Native Hawaiian Research Office

Debbie Erskine Treasurer Kamehameha Schools

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Keawe'aimoku Kaholokula, PhD John A. Burns School of Medicine, Department of Native Hawaiian Health

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Rachel Novotny, PhD, RDN, LD University of Hawai'i at Mānoa, College of Tropical Agriculture and Human Resources

May Okihiro, MD, MS John A. Burns School of Medicine, Department of Pediatrics

Misty Pacheco, DrPH University of Hawai'i at Hilo, Department of Kinesiology and Exercise Sciences

Garret Sugai Kaiser Permanente To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair Members of the Senate Committee on Health

Re: Strong Support for SB 3118, Relating to Tobacco Products

Hrg: February 2, 2022 at 1:00 PM via Videoconference

The Coalition for a Tobacco-Free Hawai'i, a program of the Hawai'i Public Health Instituteⁱ, offers testimony in **Strong Support on SB 3118**, which ends the sale of flavored tobacco products in Hawai'i.

Ending the sale of flavored tobacco products would save lives and money. A 2021 analysisⁱⁱ on the impact of ending the sale of flavored tobacco products in Hawai'i conservatively estimates that it would result in:

- At least \$48 million in long-term health care cost savings for the state.
- More than 3,000 smokers (5.6% of menthol smokers) would quit as a result of the policy.
- 700 premature smoking-caused deaths avoided.
- Fewer youth initiating smoking with menthol cigarettes.

These estimates do not include the thousands of youth that will never start smoking as a result of this policy. Not only would this save the state millions more in healthcare cost savings, but save thousands of lives.

Comprehensive regulations on e-cigarettes are necessary to reverse the youth vaping epidemic.

Over two decades of tobacco prevention and control policy has helped Hawai'i save \$1 billion dollars in healthcare costsⁱⁱⁱ, lowered the adult smoking rate to 11.6% (eighth lowest in the nation)^{iv}, and reduced smoking prevalence among high school students to 5.3% in 2019^v. This was achieved through comprehensive smoke-free air laws, high tobacco taxes, age restrictions, removing most flavors in cigarettes, and investments in tobacco prevention education and cessation.

E-cigarettes have evaded many of the tobacco prevention and control laws other tobacco products are subject to, leading to the rise of e-cigarettes, undoing decades of progress. In 2019, 1 in 3 (30.6%) public high school students and nearly 1 in 5 (18%) public middle school students in Hawai'i reported that they use e-cigarettes^{vi}. The state has an opportunity to



reverse the youth vaping epidemic by implementing comprehensive policies and programs, which necessarily include ending the sale of flavored tobacco products statewide. We strongly urge the committee to consider also supporting other e-cigarette regulation bills, such as SB 2278 or SB 3119, to close tobacco tax and online sales loopholes.



Ending the sale of flavored products advances equity and takes an important step towards addressing the root causes of tobacco use.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of flavors in tobacco products reduces the appeal of these products. Including the flavor menthol is especially important, as its cooling properties have been exploited by the tobacco industry to mask the harshness of tobacco smoke and was heavily marketed to youth and vulnerable groups such as the African American community. In Hawai'i, 78% of Native Hawaiian and Pacific Islander who smoke use menthol cigarettes^[xiii]. Menthol is also one of the most popular flavors among high school e-cigarette users^[xiv].

For decades, the tobacco industry has profited from targeting youth of color and other marginalized and low-income populations. African Americans, Native Hawaiians, and Filipinos are

disproportionately affected by the harms caused by tobacco. Efforts to protect the health of our youth are even more important given the devastating impact of COVID-19.

Even the FDA has acknowledged the impact flavors have on the disparities we see in tobacco use. In April 2021, the FDA committed to ending the sale of menthol cigarettes and all flavors in cigars. While this is great news, this will likely take several years due to industry interference and lawsuits -- and Hawai'i cannot afford to wait. The evidence supports that our state can (and should) take swift action to remove these flavored tobacco products for the protection of public health.

The link between tobacco use and COVID-19 has increased the urgency of regulations on ecigarettes.

In May 2020, Stanford University published a landmark study^{vii} that found **teens and young adults that use e-cigarettes had a five to seven times greater chance of being diagnosed with COVID-19 than those that did not use e-cigarettes.** This finding is incredibly concerning considering the high rates of youth e-cigarette use in Hawai'i. To put this into perspective, there are 52,759 high school students enrolled in Hawai'i public schools^{viii}. Using the most recent YRBS data, that translates to more than 16,000 Hawai'i high schoolers that used an e-cigarette in the last 30 days, and may be five to seven times more likely to be diagnosed with COVID-19 than their nonsmoking peers. Further, not only have e-cigarettes been linked to an increase risk of contracting COVID-19, but a recent study **once they are infected, youth who use e-cigarettes are more likely to experience COVID-19 symptoms.**^{ix}

Global pandemic or not, these numbers are unacceptable, and there is an increased urgency for regulatory action in light of the increased risk of COVID-19. With no end in sight for the COVID-19 crisis, it is imperative that Hawai'i pass legislation to curb usage and protect the health of our keiki.

Even without the global pandemic, youth e-cigarette use is of public health concern.

E-cigarettes often contain nicotine, which is addictive and harmful particularly to adolescents, whose brains are still developing. And Hawaii's teens are addicted – the percentage of frequent and daily high school users doubled from 2017 to 2019^x. The former Surgeon General VADM Jerome Adams issued an advisory in December 2018, "emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation's young people^{xi}."

The rise of severe, sometimes fatal, lung infections associated with e-cigarettes was another scary reminder of e-cigarettes' unregulated nature and unknown harms. Also known as E-cigarette or vaping product use-associated lung injury (EVALI), this disease harmed otherwise healthy individuals. Over 2,800 people were hospitalized after experiencing symptoms ranging from shortness of breath to fever, and tragically resulted in 68 confirmed deaths as of February 2020^{xii}.

E-cigarettes are not FDA-approved tobacco cessation products.

In addition, e-cigarette manufacturers and retailers cannot legally make claims that e-cigarettes can help users quit smoking or that they are healthier than cigarettes. The deceptive health claims and aggressive marketing of these products has only increased tobacco use as people who have never smoked begin using e-cigarettes, children use e-cigarettes as a path to smoking, and smokers that use them to perpetuate their habit (dual use) instead of to completely quit. A study has shown that for every one adult that quits smoking using e-cigarettes, 81 youth and young adults who would not have considered smoking, will become cigarette smokers, starting with e-cigarettes^{xiii}. This is not a trade-off we can accept. We need to take action and regulate electronic smoking devices for our kids.

Hawai'i voters support prohibiting flavored tobacco products, including e-cigarettes.

In a poll^{xiv} conducted by Ward Research Inc. for the Coalition in October 2021 among registered voters in Hawai'i. Seventy-three percent support prohibiting flavored tobacco products, including e-cigarettes, and 71% support including menthol.

Hawai'i has made enormous progress on tobacco control and we ask the legislature to take the necessary steps to reverse our youth vaping epidemic in order to protect our youth from a lifetime of addiction. We respectfully urge the committee to **pass SB 3118**.

Mahausmannahan

Amanda Fernandes, JD Policy and Advocacy Director

The Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Chaloupka, F. J. Potential Effects of a Ban on the Sale of Flavored Tobacco Products in Hawaii, University of Illinois at Chicago, 2021.

^{vii} https://med.stanford.edu/news/all-news/2020/08/vaping-linked-to-covid-19-risk-in-teens-and-young-adults.html

^{viii} Hawai'i State Department of Education. "Department announces 2021-22 enrollment figures for public and charter schools." Retrieved from

https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/2021-22-enrollment-figures-for-public-and-charter-schools.aspx

^{ix} McFadden et. al., Symptoms COVID 19 Positive Vapers Compared to COVID 19 Positive Non-vapers (January 2022). Retrieved from <u>https://journals.sagepub.com/doi/full/10.1177/21501319211062672</u>.

ⁱ The Coalition for a Tobacco-Free Hawai'i (Coalition) is a program of the Hawai'i Public Health Institute (HIPHI) that is dedicated to reducing tobacco use through education, policy, and advocacy. With more than two decades of history in Hawai'i, the Coalition has led several campaigns on enacting smoke-free environments, including being the first state in the nation to prohibit the sale of tobacco and electronic smoking devices to purchasers under 21 years of age.

ⁱⁱⁱ Holmes JR, Ching LK, Cheng D, Johnson L, Yap L, Starr RR and Irvin L. 2018. Tobacco Landscape. Honolulu: Hawai'i State Department of Health, Chronic Disease Prevention and Health Promotion Division

^{iv} Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2020.

^v2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021. ^{vi}2019 Youth Risk Behavior Surveillance System (YRBSS). Available at: <u>www.cdc.gov/yrbs</u>. Accessed on 02/03/2021.

[×] Youth Risk Behavior Surveillance System (YRBSS), 2017-2019. Available at: www.cdc.gov/yrbs. Accessed on 02/07/2021.

^{xii} Centers for Disease Control and Prevention. (2020, February 25). "Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products." Retrieved from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

^{xiii} Soneji S, Barrington-Trimis JL, Wills TA, et al. Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis. JAMA Pediatr. 2017;171(8):788–797. doi:10.1001/jamapediatrics.2017.1488

^{xiv} This study by Ward Research, Inc. summarizes findings from a phone survey among n=**805** Hawai'i registered voters (maximum sampling error +/-3.3%), conducted between October 7 – October 26, 2021.

^{xi} Surgeon General Advisory, December 2018, <u>https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf</u>



TESTIMONY OF TINA YAMAKI, PRESIDENT RETAIL MERCHANTS OF HAWAII February 2, 2022

Re: SB 3118 RELATING TO TOBACCO PRODUCTS.

Good afternoon Chair Keohokalole and members of the Senate Committee on Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are in STRONG OPPOSITION to SB 3118 Relating to Tobacco Products. This measure bans the sale of flavored tobacco products and mislabeled e-liquid products. Effective 1/1/2023.

Many retailers statewide are already operating on a thin margin, face stiff competition and are still in a pandemic recovery mode since many still have large, accumulated debts to pay for their commercial lease rent, utilities, employees pay and benefits to name a few. Retail is one of the hardest hit industries. We see continue to see locally owned stores closing around our neighborhoods due to the affects this pandemic is having on our economy.

It is not fair to categorize vapor products and e-liquids as a tobacco product. They are not the same. Many Ecigarettes contains NO tobacco, and NO smoke is emitted when vaporized. The New England Journal of Medicine published an article last year that found that e-cigarettes were nearly twice as effective as conventional nicotine replacement products, like patches and gum, for quitting smoking. The study was conducted in Britain and funded by the National Institute for Health Research and Cancer Research UK.

We also want to make it clear that retailers are not the ones selling the cigarettes and the vaping devices to those who are under 21 years of age. Many of whom are underage are obtaining their cigarettes and vaping devices from their parents or older friends or purchasing them on the black market. We have seen a significant spike in theft and tobacco products are a favorite to be stolen. Those selling the stolen goods do not card to see how old someone is.

Retail has changed over the years in how products are purchased. We are seeing a surge in online sales for all types of merchandise. It almost impossible for anyone under the age of 21 to purchase vape products from reputable law abiding local online or at a brick-and-mortar retail store. The online verifications vetting process is intense to ensure those purchasing is 21 or older.

Raising the tobacco tax and permit fee will truly hurt locally owned businesses, especially the small locally owned businesses' and may potentially force some of them to close. This would mean many small local businesses like the convenient corner store and locally owned vape stores would be gone and leaving our friends, family, and neighbors out of work.

Retailers like many businesses are struggling to survive and keep their employees employed. Many cannot afford an increase in doing business. We hope that you will hold this bill.

Mahalo again for this opportunity to testify.

📍 3610 Waialae Ave 🛛 Honolulu, HI 96816 🕓 (808) 592-4200 🎽 tyamaki@rmhawaii.org

February 2, 2022

TESTIMONY OF KAREN K. GERLACH, PHD, MPH BEFORE THE SENATE OF THE STATE OF HAWAI'I REGARDING SB 3118

To the Members of the Committee:

My name is Dr. Karen Gerlach. I am submitting my comments in opposition to SB 3118 as a current consultant to Reynolds American, but I bring 25 years of experience in the public health tobacco control field, much of which was with the federal government (the National Cancer Institute and the Centers for Disease Control and Prevention's Office on Smoking and Health) as well as the Robert Wood Johnson Foundation, a large healthcare philanthropy that focused more than 100 million dollars to reduce the harm from tobacco product use, including direct support to public health advocates across the country. My comments reflect my views only and are based on my extensive experience in the field of tobacco control. This bill, which bans the sale of all flavored tobacco products in Hawai'i, is simply the not the right solution to tobacco-related public health problems.

By far the most harmful tobacco product is one that is burned and then inhaled by the user. In the U.S., these are predominantly cigarettes. The scientific community, including the U.S. Food and Drug Administration, has widely recognized that the health risks associated with the use of various tobacco- and nicotine-containing products varies widely.¹ Everyone places combustible cigarettes as the most harmful product, and estimates place e-cigarettes as 90%-95% less harmful than cigarettes.

Our focus in tobacco control has to be on reducing the use of the most harmful product cigarettes—and this effort <u>must</u> have a two-pronged approach—keep people from starting to smoke cigarettes and equally, if not more importantly, help people who are smoking cigarettes to stop.

Supporters of this bill rely on data collected in 2019 to suggest that youth use of e-cigarettes drives the need for a flavored tobacco ban. But the reality is that teen vaping has declined sharply nationwide from its high point in 2019 – by 60 percent or more.² The percentage of high

¹ Gottlieb, S., Zeller, M. (2017). A Nicotine-Focused Framework for Public Health. *The New England Journal of Medicine*, 377(12), 1111-1114.

² <u>http://dx.doi.org/10.15585/mmwr.mm7039a4external_icon</u>

school students who reported vaping even one time in the prior 30 days dropped to 11.3 percent in 2021, compared to 27 percent and 19 percent, respectively, in 2019 and 2020. Youth smoking rates nationally are at their lowest ever.³

Policies with good intentions can have unintended, negative consequences. A May 2021 study published in *JAMA Pediatrics*⁴ found that San Francisco's flavored tobacco ban (identical to the one being considered in SB 3118) resulted in *higher* rates of smoking among high school students in San Francisco than in other school districts without flavor bans — clearly <u>not</u> the intended effect of the policy.

On the other hand, there are more than 34 million adult cigarette smokers in the U.S., and these smokers account for over 400,000 deaths annually with significant related morbidity and medical care costs. I don't present these numbers to downplay youth use of cigarettes, but to provide the full public health context that needs to be considered when policies are debated and adopted.

The science continues to accumulate supporting electronic cigarettes as an effective tool for helping smokers quit cigarette smoking. A 2019 study published in the *New England Journal of Medicine* found twice as many smokers quit smoking by switching to using e-cigarettes than by using traditional nicotine replacement therapy.⁵ And a study published just this year in *JAMA* found that even smokers with no intention to quit smoking were significantly more likely to quit smoking if they used e-cigarettes than those who did not.⁶

Additional research has shown that cigarette smokers prefer flavors in e-cigarettes and migrate from tobacco flavors to non-tobacco flavors, and that those who have completely switched to e-cigarette use from cigarette smoking are more likely to be using non-tobacco flavored e-cigarettes.⁷

Are flavored e-cigarettes a panacea to help every smoker quit? No. Are they more likely to help smokers quit smoking than they are to entice youth to start cigarette smoking? Yes. We do

³ <u>http://dx.doi.org/10.15585/mmwr.mm6950a1external_icon</u>

⁴ <u>https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248</u>

⁵ Hajek P, Phillips-Waller A, Przulj D, Pesola F, Myers Smith K, Bisal N, Li J, Parrott S, Sasieni P, Dawkins L, Ross L, Goniewicz M, Wu Q, McRobbie HJ. A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy. *N Engl J Med*. 2019 Feb 14;380(7):629-637.

⁶ Karin A Kasza, Kathryn C Edwards, Heather L Kimmel, Andrew Anesetti-Rothermel, K Michael Cummings, Raymond S Niaura, Akshika Sharma, Erin M Ellis, Rebecca Jackson, Carlos Blanco, Marushka L Silveira, Dorothy K Hatsukami, Andrew Hyland. Association of e-Cigarette Use with Discontinuation of Cigarette Smoking Among Adult Smokers Who Were Initially Never Planning to Quit. *JAMA Network Open* 2021 Dec 1;4(12):e2140880.

⁷ Li, L., Borland, R., Cummings, K. M., Fong, G. T., Gravely, S., Smith, D. M., Goniewicz, M. L., O'Connor, R. J., Thompson, M. E., & McNeill, A. (2021). How Does the Use of Flavored Nicotine Vaping Products Relate to Progression Toward Quitting Smoking? Findings from the 2016 and 2018 ITC 4CV Surveys. *Nicotine & tobacco research: official journal of the Society for Research on Nicotine and Tobacco*, *23*(9), 1490–1497.

need to keep tobacco and nicotine-containing products out of our children's hands, and we have tools to do that, including enforcement of state and federal laws that prohibit the sale of these products to those younger than 21. But, our approach must to be two-pronged. Banning the sale of all flavored tobacco products in Hawai'i closes an avenue for adult smokers to quit smoking, and that may take a greater toll on public health for Hawai'ians than you anticipate.

<u>SB-3118</u> Submitted on: 1/29/2022 9:01:38 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Sub	mitted By	Organization	Testifier Position	Remote Testimony Requested
Anth	ony Orozco	Individual	Oppose	Yes

Comments:

I'm strongly opposed to this flavor ban and other unfair regulation. Why can't the legislature accept different lifestyles? We would do better by never seeing bill such as SB3118 ever again.

<u>SB-3118</u> Submitted on: 1/31/2022 11:08:20 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Austin Tucker	Individual	Support	Yes

Comments:

Aloha members of the Senate Committee on Health,

My name is Austin Tucker and I am a junior at McKinley High School. I personally have a lot of experience with vape usage and am currently addicted to nicotine.

You would be flabergasted by the true amount of students in middle and high school who vape. I know a lot of different people in my school and I can still confidently say that 50% of the people I know vape. It's to the point where kids are leaving class to go vape in the bathrooms. It's always been like that. It's kids asking all of their friends if they can use their vapes, or asking someone they don't even know if they can use the vape they don't even know they have. Something like that really shows you how common it is. People who don't even own vapes are addicted to nicotine because they're everywhere, why not just take one right? Vaping is a virus that we have all been blind to.

The most commonly asked question when students use other students' vapes is, "What flavor is this?" Please, for the sake of generations to come, get rid of flavored vapes.

Thank you.

<u>SB-3118</u> Submitted on: 1/31/2022 7:56:28 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Ching, MD, MPH	Testifying for American Academy of Pediatrics, Hawaii Chapter	Support	No

Comments:

The American Academy of Pediatrics, Hawaii Chapter supports SB3118 to ban flavored tobacco products. Flavored tobacco products, especially vaping liquids, may have a wide market but are often targeted toward youth.

From 2017 to 2019, e-cigarette use more than doubled among high school students (from 11.7% to 27.5%) and tripled among middle school students (from 3.3% to 10.5%), according to the 2019 National Youth Tobacco Survey.

Flavored e-cigarettes have driven the e-cigarette epidemic -97% of youth e-cigarette users report using a flavored product in the past month and 70% cite flavors as a reason for their use. E-cigarettes entered the U.S. marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among U.S. youth.

Among current e-cigarette users aged 45 years and older in 2015, most were either current or former regular cigarette smokers, and 13% had never been cigarette smokers. In contrast, among current e-cigarette users aged 18–24 years, 40.0% had never been regular cigarette smokers.

Reducing the supply of such flavored tobacco products in our state will reduce nicotine addiction among youth and improve their health across their lifespan. Thank you for this opportunity to testify.

Michael Ching, MD, MPH, FAAP

President

American Academy of Pediatrics, Hawaii Chapter

February 1, 2022

- TO: Jarrett Keohokalole, Chair Rosalyn H. Baker, Vice Chair Members of the Senate Committee on Health
- FROM: Cigar Association of America, Inc. (William Goo)
- RE: **SB 3118** Relating to Tobacco Products Hearing Date: February 2, 2022 Time: 1:00 pm

My name is William Goo. I represent the Cigar Association of America, Inc. (CAA).

CAA **opposes SB 3118** which seeks to ban the sale of flavored tobacco products including cigars. The primary focus of this bill is to address the rising use of flavored tobacco products by youth in Hawaii especially with respect to electronic smoking devices. Cigars are the choice and custom of mature, responsible and informed adults. Cigars are not the tobacco product of choice of Hawaii's youth. Any ban on flavored tobacco products should exclude cigars.

Thank you for considering this testimony.



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

- To: Senate Committee on Health
- Re: **SB 3118 Relating to Tobacco Products** Hawai'i State Capitol, Via Videoconference February 2, 2022, 1:00 PM

Dear Chair Keohokalole, Vice Chair Baker, and committee members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of SB 3118, relating to tobacco products. This bill would ban the sale of flavored tobacco products and mislabeled e-liquid products.

Hawai'i's youth report some of the highest e-cigarette use rates in the nation. In 2020, the Centers for Disease Control and Prevention (CDC) announced that nearly half (48.3 percent) of Hawai'i high school students and 3 in 10 (30.6 percent) of middle school students have ever tried e-cigarettes.¹

Tobacco use is also an equity and social justice issue. According to the CDC,² approximately 3 in 10 (31 percent) of Hawai'i high school students and nearly 2 in 10 (18 percent) of Hawaii middle schoolers are current e-cigarette users. For Native Hawaiian and Pacific Island youth, these numbers climb to 4 in 10 (40 percent) for high school and 3 in 10 (30 percent) for middle school students.

Flavors in tobacco entice keiki to get hooked on nicotine. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019.³ Ending the sale of flavored tobacco products will reduce the appeal of these products to our children and youth. Menthol and mint should be included in the flavor prohibition, as their ability to soothe the throat makes them popular among youth.

Hawai'i needs to take action to tackle our growing youth vaping epidemic. Our state was successful in reducing cigarette use to record lows through policy, prevention, education, and cessation programs. We can and should reverse the trends in youth e-cigarette use. This bill would be an important start.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo Director of Research and Economic Policy

¹ <u>https://www.lung.org/media/press-releases/hawaii-vaping-rates</u>

² <u>https://www.cdc.gov/healthyyouth/data/yrbs/index.htm</u>

³ <u>https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm</u>



Hawaii Dental Association

To:Senate Committee on HealthTime/Date:1 p.m., February 2, 2022Location:Via TeleconferenceRe:SB 3118, Relating to Tobacco Products

Aloha Chair Keohokalole, Chair Baker, and members of the committee:

The Hawaii Dental Association (HDA) is a professional association comprised of approximately 950-member dentists. **We are in support of SB 3118**, relating to tobacco products. This bill bans the sale of flavored tobacco products and mislabeled e-liquid products.

HDA expresses its opposition to use of oral tobacco, including vaping nicotine from e-cigarettes, and urges people using any type of tobacco product to quit. Tobacco use is causally associated with higher rates of tooth decay, receding gums, periodontal disease, mucosial lesions, bone damage, tooth loss, jaw bone loss and more. That is why the Hawaii Dental Association, like the American Dental Association, is working with dentists, educators, public health officials, lawmakers, and the public to prevent and, hopefully, eliminate the use of all tobacco products. HDA supports regulatory and legislative action to ban the sale and distribution of all e-cigarette and vaping products, with the exception of those approved by the FDA for tobacco cessation purposes and made available by prescription only. We will continue to support legislation aimed at enhancing and promoting oral health.

HDA is a statewide membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii's Board of Dentistry. HDA members are committed to protecting the oral health and well-being of the people of Hawaii, from keiki to kupuna and everyone in between.

Mahalo for the opportunity to testify in support of SB 3118.



Wednesday, February 2, 2022 at 1:00 PM Via Video Conference

Senate Committee on Health

- To: Senator Jarrett Keohokalole, Chair Senator Rosalyn Baker, Vice Chair
- From: Laura Bonilla Executive Director – Pediatric and Women's Services

Re: SB 3118 – Testimony In Support Relating to Tobacco Products

My name is Laura Bonilla, and I serve as the Executive Director of Pediatric and Women's Services at Kapi'olani Medical Center for Women and Children (Kapi'olani). Kapi'olani is an affiliate of Hawaii Pacific Health. Kapi'olani Medical Center is the state's only maternity, newborn and pediatric specialty hospital. It is also a tertiary care, medical teaching and research facility. Specialty services for patients throughout Hawai'i and the Pacific Region include intensive care for infants and children, 24-hour emergency pediatric care, air transport, maternal-fetal medicine and high-risk perinatal care.

Kapi'olani Smokefree Families, the tobacco & nicotine cessation program at Kapi'olani Medical Center for Women & Children, strongly supports HB 3118 to ban the sale of all flavored tobacco products, including menthol cigarettes.

At Kapi'olani Medical Center for Women & Children, we often treat pediatric and adult patients who are adversely affected by tobacco products in multiple ways. For the past few years, we have seen an increasing number of teenagers and young children coming in who are screening positive for e-cigarette or vape use.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product up from 7 in 10 in 2019 (National Youth Tobacco Survey) ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol. Ending the sale of all flavored tobacco will advance health

equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiians and Pacific Islanders who smoke use menthol. Hawai'i BRFSS 2008

In the best interest of our local youth, we urge your Committee's **support of HB 3118** to ban flavored tobacco products. If the products cease to be appealing, are made more inaccessible, and more education is provided to our keiki about the health risks of using these products, we may help to avoid the damage caused by the tobacco and vaping industries.

Thank you for the opportunity to provide testimony on this measure.


Board of Directors

Eric Wright President Par Hawaii

Robert Hood Vice President Aloha Petroleum, LLC

Al Chee Vice President & Secretary/Treasurer Island Energy Services, LLC

Kimo Haynes Immediate Past President Hawaii Petroleum, LLC

Alec McBarnet Maui Oil Petroleum, LLC

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Annie Marszal Lahaina Petroleum

Eric Lee Par Hawaii, LLC

Jon Mauer Island Energy Services, LLC

Paul Oliveira Maui Oil Company, Inc.

Steve Wetter Hawaii Petroleum, LLC Testimony of Eric Wright President of the Hawaii Petroleum Marketers Association (HPMA)

COMMENTS, WITH AMENDMENTS ON SB 3118

RELATING TO TOBACCO PRODUCTS

Senate Committee on Health

The Honorable Jarrett Keohokalole, Chair The Honorable Rosalyn H. Baker, Vice Chair

Wednesday, February 2, 2022 at 1:00 p.m. Hawaii State Capitol

Aloha Chair Keohokalole, Vice Chair Baker and Members of the Committee:

HPMA supports strict enforcement of laws that prohibit the sale and distribution of tobacco products to underage persons. However, we oppose provisions in SB 3118 that prohibit the sale, distribution and marketing of all flavored tobacco products to persons of legal age.

We are concerned that granting individual counties the ability to pass ordinances that are stricter than State law may result in varying restrictions from county to county that make compliance for retailers difficult. Having a uniform statewide law is preferred.

Therefore, HPMA respectfully requests your consideration of the following amendments:

- 1. Delete (5) on page 7, lines 8 14; and
- Page 9, lines 11- 12 amend "Flavored tobacco product" means any tobacco product that contains a constituent that imparts a characterizing flavor, <u>except for menthol or</u> <u>mentholated products and all smokeless tobacco products</u> <u>that are flavored.</u>

Smokeless tobacco products incudes snuff and chewing tobacco, most of which are flavored beyond menthol and are labeled and marketed toward a narrow set of adult users.

Thank you for your consideration of these amendments and the opportunity to submit testimony.



Testimony to the Senate Committee on Health Wednesday, February 2, 2022; 1:00 p.m. Via Videoconference

RE: SENATE BILL NO. 3118, RELATING TO TOBACCO PRODUCTS

Chair Keohokalole, Vice Chair Baker, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA <u>SUPPORTS</u> Senate Bill No. 3118, RELATING TO TOBACCO PRODUCTS.

By way of background, the HPCA represents Hawaii's FQHCs. FQHCs provide desperately needed medical services at the frontlines in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

This bill, as received by your Committee, would make it a crime (Chapter 712, Hawaii Revised Statutes) to:

- (1) Sell or distribute flavored tobacco products in Hawaii, including products with menthol; and
- (2) Mislabel products as nicotine-free.

FQHCs have long seen first-hand how tobacco has literally destroyed the lives of our patients and their families. Because of the ubiquity of cigarettes, chewing tobacco, and now electronic smoking devices, the impacts of tobacco harms our citizenry on a generational basis with people experimenting at even earlier ages.

It is for this reason that the HPCA joins the American Cancer Society of Hawaii and other advocates in strong support of all efforts to rid the marketplace of these products.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiipca.net.



DATE 31 Jan 2022

To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair Senate Committee on Health

Re: Strong Support for SB3118 RELATING TO TOBACCO PRODUCTS

Hrg: 02 Feb 2022, 1:00 PM via Videoconference

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. As stewards of public health, HPHA is also advocating for equity in all policies.

HPHA strongly supports SB3118, which intends to prohibit the sale or distribution of flavored tobacco products in Hawai'i, including products with menthol, and prohibit the mislabeling of products as nicotine free. Flavors in tobacco products is especially harmful in youth, who are enticed by the various flavors. Attracting youth to flavored nicotine products leads to nicotine addiction that keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction. Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. With the goal of protecting our keiki and reducing the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will also advance health equity as disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

We strongly support SB3118 and respectfully ask that you pass this measure. Thank you for the opportunity to provide testimony on this important public health issue affecting members of our community, especially our keiki.

Respectfully submitted,

A. Wesdin Cirles

J. Leocadia Conlon, PhD, MPH, PA-C Legislative Committee Chair Hawaii Public Health Association

<u>SB-3118</u> Submitted on: 1/31/2022 4:44:17 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michael Zehner	Testifying for Hawaii Smokers Alliance	Oppose	No

Comments:

The Hawaii Smokers Alliance is strongly opposed to SB3118.

We oppose the bill because it is a shameful and bigoted attack on the rights and liberties of adults over age 21.

We oppose this bill because it will cause a black market of flavor additives without any standards to ensure the product is not harmfully adultered.

We oppose this bill because it will harm local small businesses that retail these products.

Thank You for Your Consideration

Michael Zehner, co-chair of Hawaii Smokers Alliance

hawaiismokersalliance.net



SB3118 Ban Flavored E-Cigarettes

COMMITTEE ON HEALTH

Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair

• Wednesday, Feb. 2[,] 2022: 1:00 pm: Videoconference

HSAC Supports SB3118:

GOOD MORNING CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.

Flavored tobacco targets youth and 95% of smokers start before legal age for smoking:

- Vaping increased 900% among high school students from 2011 to 2015.¹
- The Surgeon General's report details the harmful effects of e-cigarettes and gives a call for from 650,000 physicians belonging to numerous medical coalitions, reasserting our dedication to keeping our patients safe from tobacco products.²
- Nicotine, regardless of its source, is highly addictive and has clear neurotoxic effects, especially on the developing brains of adolescents.
- The historic rise in e-cigarettes by youth is fueled in part by extensive marketing campaigns to make the products more appealing to young people, as referred in the Surgeon General's report.
- The aerosol from e-cigarettes is not harmless; it includes nicotine and other harmful and potentially harmful chemicals, including heavy metal and carcinogens. Since children's brain and lungs are still developing, it is especially important to protect children and non-users from secondhand e-cigarette aerosol.
- Banning the sale of flavored tobacco products can help to reduce the danger to children from vaping, which is a growing major public health concern.

We appreciate the opportunity to provide testimony and are available for questions.

² Surgeon General's Advisory on E-cigarettes Use Among Youth: https://e-

¹ American Academy of Pediatrics: 2016 <u>https://www.aap.org/en/news-room/aap-voices/protecting-children-from-the-dangers-of-e-cigarettes/</u> Site is linked to federal agency: National Institute of Drug Abuse

cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf

<u>SB-3118</u> Submitted on: 1/31/2022 10:51:46 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian R Curll	Testifying for Hui O Mana Ka Puuwai Outrigger Canoe Club	Support	No

Comments:

Our Non-profit has coached children ages 7 to 18 in multiple programs for over 30 years. Young minds are easily persuaded by advertisements from the Tobacco companies. Please pass this bill in order to protect them and protect their future. Brian Curll BOD

Brian Curll BOD

Government Relations



Testimony of Jonathan Ching Government Relations Director

Before: Senate Committee on Health The Honorable Jarrett Keohokalole, Chair The Honorable Rosalyn H. Baker, Vice Chair

> February 2, 2022 1:00 p.m. Via Videoconference

Re: SB 3118, Relating to Electronic Smoking Devices

Chair Keohokalole, Vice Chair Baker, and committee members, thank you for this opportunity to provide testimony on SB 3118, which comprehensively regulates e-cigarettes as a tobacco product by ending the sale of flavored tobacco and e-liquids.

Kaiser Permanente Hawai'i STRONGLY SUPPORTS SB 3118.

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 265,000 members. Each day, more than 4,400 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Youth in Hawai'i also experience tobacco-related harm at alarming rates. Approximately 400 youth in Hawai'i under the age of 18 become new daily smokers each year,ⁱ and, unless smoking rates decline, an estimated 21,000 Hawai'i youth under 18 who are alive today will die prematurely from smoking-related disease.ⁱⁱ In 2017, approximately 42% of high school students and 27% of middle school students in Hawai'i reported having used electronic tobacco products at least once.ⁱⁱⁱ In the same year, more than a quarter (25.5%) of high school students and 15.7% of middle school students in Hawai'i reported current use of electronic tobacco products.^{iv} In 2017, approximately one in five (22.1%) of high school students in Hawai'i reported ever smoking cigarettes and 8.1% reported current cigarette use.^v A 2015 survey also found that an estimated 41,000 high school students in Hawai'i smoked their first cigarette before the age of 13.^{vi}

The COVID-19 pandemic makes these reforms even more critical. An emerging body of evidence suggests that smokers may be more vulnerable to COVID-19 complications.

KAISER PERMANENTE®

To ensure the future health of our communities, we must help young people avoid becoming hooked on these addictive products. Flavored tobacco plays a key role in convincing young people to try these products. As such, Kaiser Permanente Hawai'i supports ending the sale of all flavored tobacco products, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health.

Further, flavored tobacco is extremely prevalent in vaping products, which continues to be on the rise with teens. There are many risks of vaping for teens and young adults, including: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has some known short-term health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping still has negative second-hand smoke effects.

We are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe SB 3118 is a significant step in restricting access to these dangerous products and is a positive step to preventing another generation of young people from living with a lifetime of addition.

We ask the committee to PASS SB 3118. Mahalo for the opportunity to testify on this important measure.

ⁱ Campaign for Tobacco-Free Kids. "The Toll of Tobacco in Hawaii." Updated Nov. 15, 2018:

https://www.tobaccofreekids.org/problem/toll-us/Hawaii. Accessed November 18, 2018.

[&]quot; Campaign for Tobacco-Free Kids. "The Toll of Tobacco in Hawaii." Updated Nov. 15, 2018:

https://www.tobaccofreekids.org/problem/toll-us/Hawaii. Accessed November 18, 2018.

^{III} Hawaii Health Data Warehouse, State of Hawaii, Hawaii School Health Survey: Youth Risk Behavior Survey Module, 2017.

^{iv} Hawaii Health Data Warehouse, State of Hawaii, Hawaii School Health Survey: Youth Risk Behavior Survey Module, 2017.

^v Hawaii Health Data Warehouse, State of Hawaii, Hawaii School Health Survey: Youth Risk Behavior Survey Module, 2017.

^{vi} Hawaii Health Data Warehouse, State of Hawaii, Hawaii School Health Survey: Youth Risk Behavior Survey Module, 2015.



February 2, 2022 1:00 PM, Via Videoconference

COMMITTEE ON HEALTH

Testimony in SUPPORT of SB3118 Relating to Tobacco Products

To: Senator Jarrett Keohokalole, Chair Senator Rosalyn Baker, Vice Chair

My name is Lisa Dau, RN, and I am the Injury Prevention Coordinator for Keiki Injury Prevention Coalition (KIPC), which is a non-profit agency with a mission to decrease childhood injuries. KIPC **SUPPORTS** of SB3118, Relating to Tobacco Products, which bans the sale of flavored tobacco products and mislabeled e-liquid products.

Tobacco flavors lure young people, while nicotine keeps them addicted for life. In 2020, 8 out of 10 young people who use e-cigarettes said they used a flavored product, up from 7 out of 10 in 2019. (National Youth Tobacco Survey). Stopping the sale of flavored tobacco products will limit their attractiveness and safeguard our children from a lifetime of addiction.

Menthol is just as dangerous as any other tobacco flavor, if not more so. Menthol is known for masking the harshness of tobacco, making it easier to start and harder to quit. We must include menthol if we want to safeguard our keiki and minimize the burden of tobacco in our communities.

Ending the sale of all flavored tobacco will improve health equality since the tobacco industry has a history of marketing menthol cigarettes to adolescents and people of color, which has contributed to inequities in tobacco use. Menthol cigarettes used by 78 percent of Native Hawaiian and Pacific Islander smokers in Hawai'i (Hawaii BRFSS, 2008). One of the most popular flavors among teenagers is mint and menthol flavored e-cigarettes.

We support of SB3118, which will ban flavored tobacco products in the best interests of our local kids. If the goods lose their attractiveness, become more difficult to obtain, and our children are better educated about the health concerns of using these products, we may be able to mitigate the harm produced by the tobacco and vaping companies.

Mahalo,

Lisa Dau, RN Injury Prevention Coordinator Keiki Injury Prevention Coalition



Aloha Members of the Committee,

Pediatric Therapies Hawai'i is a non-profit on the island of Maui specializing in the diagnosis, treatment, and management of infants, children, and adolescents with a variety of congenital, developmental, neuromuscular, skeletal, or acquired disorders/diseases. We strongly support a flavored tobacco ban to help protect the health of our community, our keiki, and the future of the children we serve.

Health disparities and inequities are a real issue for the people of Hawai'i, and we understand that the tobacco industry takes advantage of youth and people of color, especially through marketing of menthol products. We ask that you please ban all flavored tobacco products, including menthol, to help protect the families we serve.

Thank you for hearing this bill, and we hope that you will pass it through committee today.

Mahalo nui loa

Jamil Folio The Man Cave 1993 S. Kihei Rd Suite 18 Kihei, Hawaii 96733



To our Distinguished Legislators:

My name is Jamil Folio, I am the Administrative Manager for "The Man Cave" retail business in Kihei, Hawaii. I am a property owner, father of young children, concerned citizen and a small business advocate who is proud to call Maui my home.

I am writing in **STRONG support** of comprehensive tobacco regulations, and especially banning flavored tobacco products and treating vaping products like other tobacco products. <u>We sell</u> <u>tobacco products in our store</u>, and understand the trepidation of other business owners/operators concerning potential lost revenue. BUT, we cannot jeopardize the health of our youth and our community by focusing on short term profit.

An alarming number of Maui County high school students, over 30%, are currently using ecigarettes, while less than 5% of adults in Hawai'i are current users. These products are proving to be dangerous in themselves. A good portion of them will go on to use combustible tobacco products, which are the leading cause of preventable death and disease in the United States. Children are 10 times more likely to start smoking having had exposure to vaping or e-cigarettes in the past.

21,000 children under the age of 18 currently living in Hawaii will die prematurely from smoking. If you could please read the previous sentence one more time. Then consider the financial cost associated with long term cancer and end of life care. Any lost short term revenue from banning the sales of flavored tobacco products is a minor rounding error in the long term costs associated with cancer for tens of thousands of Hawaii's citizens.

We are not talking about the rights adults have to make informed discussions. We are talking about middle school children being hooked on bubble gum, cotton candy, and Pipeline POG flavored addiction. And that is what is being sold: addiction. This is a tried and true campaign of influence from tobacco companies who have been marketing to children for decades (as proven in their own internal documents multiple times).

In fact, the same documents show that tobacco companies have targeted minority groups like African Americans and Native Hawaiians even more so than other groups, which is evidenced by the fact that over 40% of Maui County Native Hawaiian high school students are using e-cigarettes.

If our solution is to arrest and fine kids for being caught with these products, then more Native Hawaiian youth are going to end up criminalized for their addiction than other youth. This is a social justice issue that can't be ignored. Don't hold kids responsible for the industry's insidious manipulation. Hold the industry accountable, as they should be.

I also ask that you be sure to include menthol in order for this to be a comprehensive ban on flavored tobacco products. Menthol masks harshness, making it easier to start and harder to quit. Mint and menthol have historically been used to target youth and minority populations for the industry's profit. In fact, 78 percent of Native Hawaiian smokers smoke menthol cigarettes. This is a social justice issue that needs to be addressed here in Hawaii.

For every potential sale that would be lost, a life might be saved. So please represent your constituents, our community, and our island ohana by doing the right thing. No child or adult needs candy flavored cancer causing products.

Thank you for your time.

Jamil Folio

<u>SB-3118</u> Submitted on: 2/1/2022 12:54:05 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jayna Kanoholani	Testifying for Teens For No Nicotine HI	Support	No

Comments:

Aloha. I am representing the organization Teens For No Nicotine HI. We are a collective of Native Hawaiian students who are educating nā 'ōpio (youth) of Hawai'i about the repercussions of vaping. To gain a better understanding of how vaping is prominent within our own community at school, we conducted a survey within grades 9-12. Our survey received over 140 responses— 83% of students said they know someone who vapes, and 20.4% admitted to having vaped at least once. 34.1% of students said they vape most when they are stressed, while 31.7% claim to vape most when they want to have fun, and 29.3% claim to vape when they are bored. Of those who responded that they vape, most admitted that the flavors have placed influence on their decision to vape. Our hope is to restore the health and well being of the lāhui. As students who witness the devastating effects vaping can have on peers first-hand, we plead that this influence be taken away.

Date:	February 2, 2022
To:	The Honorable Jarrett Keohokalole, Chair
10.	The Honorable Rosalyn H. Baker, Vice Chair Members of the Committee on Health
From:	Members of the University of Hawaii Student Health Advisory Council
Re:	Support for SB3118, Relating to the Youth Vaping Epidemic
Hearing:	Wednesday, February 2 at 1:00PM; via videoconference

Thank you for the opportunity to submit testimony in SUPPORT of SB3118, which would prohibit the sale and distribution of flavored tobacco products and mislabeled e-liquid products .

The Student Health Advisory Council has played a pivotal role in the development and implementation of health policies and tobacco education on the UH System campuses. We remain deeply committed to the mission of reducing the use of all tobacco products, including electronic smoking devices, among adolescents and young adults.

With products like Juul and other popular electronic smoking devices, it is increasingly clear that these products are addicting a whole generation of youth to a harmful product. The Surgeon General has gone so far as to declare youth e-cigarette use an epidemic, and states that there is an urgent need to protect young people from a lifetime of nicotine addiction and associated health risks.

Electronic cigarettes are now the most commonly used form of tobacco among young people in the United States, surpassing conventional tobacco products, including cigarettes, cigars, chewing tobacco, and hookahs. The sale of candy-like flavored tobacco products that are mislabeled as nicotine-free entices young people to start using these harmful products which can lead to addiction and cause damage to the developing brain. Flavored tobacco products also increase individuals' risk for dual use of vape products and combustible cigarettes.

The banning of flavored tobacco products as well as providing tobacco education and cessation programs without monetary penalties for youth, is imperative if we are committed to protecting the health and well-being of our communities. Therefore, we urge you to support this measure and prohibit the sale of all flavored tobacco products in the State of Hawaii.

Mahalo,

Student Health Advisory Council

<u>SB-3118</u> Submitted on: 1/29/2022 9:28:20 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jake J. Watkins	Individual	Oppose	No

Comments:

Enough Already.

Date: January 30, 2022

- To: The Honorable Jarrett Keohokalole, Chair The Honorable Rosalyn H. Baker, Vice Chair Members of the Senate Committee on Health
- Re: **Support for SB 3118**, Relating to Tobacco Products

Hrg: Wednesday February 2, 2022 at 1:00pm via Videoconference

Aloha Senate Committee on Health,

As a parent, community member and healthcare professional I am writing in **strong support of SB 3118**, which bans the sale of flavored tobacco products and mislabeled e-liquid products, effective 1/1/2023.

Hawai'i is in the midst of a youth vaping epidemic that has been underway for more than 5 years. One in three high school students and one in five middle school students report "current use" of e-cigarettes.

Flavors in tobacco products entice our youth, while the nicotine alters the development of their brains, keeping them hooked for life. In 2020, 80% of Hawaii youth who currently use e-cigarettes reported using a flavored product, up from 70% in 2019. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Ending the sale of all flavored tobacco products will advance health equity. Disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. Mint and menthol (the chemical in mint that gives a cooling sensation) flavored e-cigarettes are among the most popular flavors with our youth.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must remove mint and menthol along with all other flavors.

I strongly support SB 3118, respectfully ask you to pass it out of committee.

Many thanks for your consideration,

Forrest Batz, PharmD Keaau, HI

<u>SB-3118</u> Submitted on: 1/30/2022 5:36:14 PM Testimony for HTH on 2/2/2022 1:00:00 PM

_	Submitted By	Organization	Testifier Position	Remote Testimony Requested
	April Pacheco	Individual	Oppose	No

Comments:

Our civil liberties come first.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813 Phone: (808) 489-9549 Web site: http://www.hysn.org E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii Big Island Substance Abuse Council **Bobby Benson Center** Child and Family Service Coalition for a Drug Free Hawaii Collins Consulting, LLC **Domestic Violence Action Center** EPIC, Inc. Family Programs Hawaii Family Support Hawaii Friends of the Children's Justice Center of Maui Get Ready Hawai'i Hale Kipa, Inc. Hale 'Opio Kauai, Inc. Hawaii Children's Action Network Hawaii Health & Harm Reduction Center Ho`ola Na Pua Kahi Mohala Kokua Kalihi Valley Kokua Ohana Aloha (KOA) Maui Youth and Family Services Na Pu`uwai Molokai Native Hawaiian Health Care Systems P.A.R.E.N.T.S., Inc. Parents and Children Together (PACT) PHOCUSED PFLAG - Kona Big Island Planned Parenthood of the Great Northwest and Hawaiian Islands **Residential Youth Services** & Empowerment (RYSE) Salvation Army Family Intervention Services Sex Abuse Treatment Center Susannah Wesley Community Center The Catalyst Group

January 31, 2022

To: Senator Jarrett Keohokalole, Chair, And members of the Committee on Health

TESTIMONY IN SUPPORT OF SB 3118 RELATING TO TOBACCO PRODUCTS

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, support SB 3118 Related to Tobacco Products

Thirty-one percent (31%) of Hawaii's students have used flavored tobacco products, a much higher rate than the national average. Tobacco is addictive and its use leads to many long-term health problems. Banning the sale of flavored tobacco products will help our youth grow up safe, healthy, and ready to succeed.

Thank you for this opportunity to testify.

Sincerely,

Justito F. Clark

Judith F. Clark, MPH Executive Director

<u>SB-3118</u> Submitted on: 1/31/2022 10:56:54 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tami Whitney	Individual	Support	No

Comments:

Dear Chair Keohokalole, Vice Chair Baker and Members of the Health Committee

I am in strong support of this measure for the following:

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our children from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our children and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Thank you,

Tami Whitney

<u>SB-3118</u> Submitted on: 1/31/2022 11:05:45 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle Kobayashi	Individual	Support	No

Comments:

I strongly support SB3118. I am a pediatric dentist and I don't want children to fall victim to the marketing efforts of big tobacco. Not only does it get them addicted from a young age but the chemicals cause irreparable harm. The flavoring agents in e-cigarette liquids was made to be ingested not inhaled. When inhaled they are extremely dangerous to your lungs. Also brain delvelopment is not complete in teens and use of tobacco products from a young age alters that development for the worse.

Thank You,

Michelle Kobayashi DDS, MSD

<u>SB-3118</u> Submitted on: 1/31/2022 12:08:52 PM Testimony for HTH on 2/2/2022 1:00:00 PM

S	Submitted By	Organization	Testifier Position	Remote Testimony Requested
	Kristin Mills	Individual	Support	No

Comments:

Aloha,

I am in strong support of SB3118. Hawaii has among the highest rates of middle school and high school e-cigarette (ESD) use in the nation and youth vaping has been declared an epidemic by the U.S. Surgeon General.

As a parent and public health educator for the State Health Department, this is extremely concerning as there are numerous health impacts from e-cigarettes. Nicotine addiction affects kids' ability to focus and learn at school, it affects their emotions, it affects their relationships, and it affects their self-confidence. The list goes on. Further, once teens become addicted to nicotine, it's very difficult to quit. Teens are also particularly vulnerable to nicotine, which permanently impacts their still developing brain.

It's no coincidence that the rise in youth e-cigarette use has coincided with an explosion of sweet and minty e-liquid flavors used to hook kids. Tobacco companies are making and marketing deadly and addictive products right here in Hawaii that look and taste like our favorite childhood flavors (Hawaiian POG, Ono Orange Cream, Hawaiian Sweet Rolls, and Halawa Guava). They make these flavors to "hook" their next customers... Our youth! And it's not OK. Data has shown that 8 out of 10 youth who ever used tobacco products started with a flavored product, and more than half of youth tobacco users use menthol cigarettes.

I ask the committee to please support SB3118 and prohibit flavors in all tobacco products, including menthol, mint, and wintergreen in the wording of this bill. This is vital to the health of our youth! Menthol, mint, and wintergreen flavors are particularly enticing, as they mask the harshness, allowing for deeper and longer inhalations, making menthol cigarettes and e-cigarettes another popular starter product and harder to quit. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

We need to protect our keiki. The scientific evidence is clear, flavored tobacco products (including menthol, mint, and wintergreen) have the greatest appeal to youth and we must end the sale of these products.

Sincerely, Kristin Mills

<u>SB-3118</u> Submitted on: 1/31/2022 12:16:40 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Sı	ıbmitted By	Organization	Testifier Position	Remote Testimony Requested
Су	d L. Hoffeld	Individual	Support	No

Comments:

Aloha Chair Keohokalole, Vice Chair Baker and Health Committee Members,

My name is Cyd L. Hoffeld, a Kanaka Maoli mother and registered voter on Hawai'i Island who **STRONGLY supports SB3118**. We all know that flavors in tobacco products and e-liquids including menthol/minty flavors entice youth, while the high levels of nicotine in those products keep kids hooked for life. So many facets of their lives are being impacted by this respiratory system damaging pandemic. While we cannot protect them from everything, we can protect them from the harmful effects of flavored tobacco and vaping products on their young developing bodies and brains by creating shields from these insidious substances.

We as concerned voters and you as lawmakers need to protect our keiki and 'ōpio by ending the sale of flavored tobacco and vaping products so our children have a fighting chance for a healthy future.

Please strongly support SB3118 for the health of our keiki.

Mahalo nui!

<u>SB-3118</u> Submitted on: 1/31/2022 12:23:48 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alice Luck	Individual	Support	No

Comments:

I support this bill since it addresses both candy or fruit flavors but also menthol, which is popular among teens. Hawaii has an unacceptably high rate of youth vaping, setting these kids up for learning difficulties, behavioral problems, and a lifelong addiction to nicotine. To save public health dollars down the road and uphold our values as a community to protect our youth, the legislature must act now.

<u>SB-3118</u> Submitted on: 1/31/2022 1:08:21 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stephanie Austin	Individual	Support	No

Comments:

Please support this important bill for the health of Hawaii's youth!!

<u>SB-3118</u> Submitted on: 1/31/2022 1:22:22 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diane Y Omura	Individual	Support	No

Comments:

February 1, 2022

Senate Committee on Health

Honorable representatives:

I am urging for the support of SB 3118 which will keep flavored tobacco products out of the hands of our children. My name is Diane Omura and though I am a retired health educator, I remain passionate about any legislation which will work for the health and safety of our youth. This issue has been brought up year after year, without resolve. An abundance of research shows the harms and long term consequences of e-cigs. We also know that the enticements are the flavors used to attract consumers. Please do the right thing and please support SB 3118. Thank you for your time and consideration.

Sincerely,

Diane Omura

<u>SB-3118</u> Submitted on: 1/31/2022 1:58:22 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Sub	mitted By	Organization	Testifier Position	Remote Testimony Requested
Liza	Ryan Gill	Individual	Support	No

Comments:

Dear Chair Keohokalole, Vice Chair Baker and members of the Committee,

I stand in **STRONG SUPPORT of SB3118** and appreciate your alacrity in hearing this bill. This state has waited too long to take decisive action in support of our keiki's health and well-being. We have stood by and watched as billion dollar companies have targeted our children with the hopes of making them life-long consumers.

Things have not gotten better with kids at home. Stressed out and isolated, often times with increased pressure and anxiety in the house, many have developed worse addictions to these deadly products to release the tremendous uncertainty that they live under. While nicotine may give them a momentary pause from their reality, in the long term it only increases their stress and anxiety, making them even more prone to depression.

I have spoken with numerous "good kids" in well-known high schools that believe that it is already too late for their peers, that e-cigarettes have their hooks deep in their classmates and that they can't be saved. What they want is for us, the adults with the decision-making power, is to stop the sale of flavored tobacco before their little siblings, elementary-age kids, are addicted too. That is a pretty dismal and sobering perspective from a bunch of 14-17 year olds but it shows just how prevalent and dire this issue is.

I kindly urge you to step and take action to protect our keiki by passing this bill and put Big Tobacco back where it should be, out of our childrens' hands and lives.

- Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.
- Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.
- Ending the sale of all flavored tobacco will advance health equity disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use

menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

<u>SB-3118</u> Submitted on: 1/31/2022 2:10:57 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bev Brody	Individual	Support	No

Comments:

STRONGLY SUPPORT! Thank you!

<u>SB-3118</u> Submitted on: 1/31/2022 2:57:34 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Claudia Hartz	Individual	Support	No

Comments:

I, Claudia Hartz, mother of two teenagers that attend Kealakehe High School strongly support SB 3118 to end the sale of ALL flavored tobacco products, including menthol cigarettes. My grandfather died of empheysema due to smoking cigarettes, my mother in law died last year COVID complication due to smoking cigarettes. Our keiki are at risk with electronic cigarettes, therefore please end the sale of all flavored tobacco.

Aloha Chair and Honorable Members of the Committee,

My name is Katie Folio and I am the mother of two young girls, ages four and seven. I am a former teenage smoker and, as a result, an advocate for anti-smoking legislation. While I didn't realize it at the time, there were two primary contributing factors to my picking up smoking as a teenager - media and menthol. No one in my family smoked. I was not influenced by my family to smoke in any way, if anything, I was educated on the harms of smoking and I knew it was not good for my health. However, I was raised in the time of Joe Camel and smoking was in movies, television, and smoking ads were at eye level in grocery stores and gas stations. Eventually, and without my really being aware of it, the advertising worked.

I tried smoking non-flavored cigarettes a couple of times, but it was when I tried menthol cigarettes that I got hooked. At the time, there were also other flavors of cigarettes and bidis available, like strawberry and vanilla, which I certainly tried as those flavors also appealed to me, but menthol were by far the easiest/most palatable cigarettes to smoke. Once I started, it was an on and off again battle for about ten years before I was finally able to quit.

I became an advocate for tobacco control as an adult because of my experience as a teenager. I don't want to see other kids end up in the same situation, or worse, because of nicotine addiction. I don't want to see my girls end up where I did, or dead from cancer too early. I was one of the lucky ones - I was able to eventually quit. Not everyone can, and that is what big tobacco and the vaping industry rely on. It's how they are so powerful, how they make such ridiculous amounts of money by literally killing people. By addicting them as early as possible. It's unacceptable, and it needs to stop.

We know that tobacco control legislation works. Our youth smoking rates dropped significantly from the 90s once we started passing comprehensive legislation. But our progress is starting to be undone by the popularity of vaping with youth. We can't allow flavored tobacco products to continue to be on the market, in any form. Vaping products are tobacco products and often contain extremely high levels of nicotine. One cigarette contains 10 mg of nicotine in a freebase form that makes it harsh to inhale (which menthol helps to mask). Disposable vaping products popular with youth often contain up to 50 mg of nicotine in a salt formula that makes it smoother (i.e. easier) to inhale. They are designed to make it easier to get addicted to nicotine, creating lifetime users.

A friend's seven year old was recently *carded* at the Volcano vape kiosk at Maui Mall when he approached and asked for a watermelon apple juice box (see photo below). At least they carded him, but I'm still disgusted. He was just a little kid who wanted a juice box, and he had no idea. But the industry knows exactly what they are doing.

I also just want to call out the way that the vaping industry has appropriated Hawaiian flavors to entice our local youth as well - from POG to Molokai Hot Bread.

I want to see all tobacco products regulated the way we do cigarettes, for the sake of our kids and their futures. Please let this be the year that Hawaii takes this much needed step. Please show that you are listening to our health experts and organizations, and to our kids who are asking for you to pass this bill.

Mahalo nui loa, Katie Folio Kula, Maui, Hawaii



<u>SB-3118</u> Submitted on: 1/31/2022 4:06:32 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted	By Organization	Testifier Position	Remote Testimony Requested
Bill Patters	on Individual	Oppose	No

Comments:

I will remember in September and November on my ballot how you voted on this. VOTE NO!!

<u>SB-3118</u> Submitted on: 1/31/2022 4:11:46 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rona Mangayayam	Individual	Support	No

Comments:

The sale of flavored tobacco products pose a danger to the the health of youth, and everyone. Consequently it affects the health of the greater community.

A few years ago when the news broke out about middle school students in Hawaii can access and buy flavored tobacco I asked my daughter if she knows anyne in her school buying and using it. She said yes, it is easy, you just go and buy at the store. It is cheap. The money that their parents give for their food/snack, is use of buying the flovored tobacco.

Consequently, I know some youth who has to be rushed to the emergency as a result of smoking flavored tobacco. I know of some youth whose studies/ schooling were negatively affected beacuse of addition to flavored tobacco.

There is not a good thing that flavored tobacco can do to our youth and to anyone. And by allowing to end the sale of flavored tobacco, you are making a decision that is morally right and a decision that contribute to the health of an idividual and the greater community.

<u>SB-3118</u> Submitted on: 1/31/2022 5:03:18 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Lau	Individual	Oppose	No

Comments:

The flavored vape products are safe and helping me cut back on tobacco use. Please don't ban them.

-Amy L.

<u>SB-3118</u> Submitted on: 1/31/2022 6:01:28 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Logan Lau	Individual	Support	No

Comments:

To whom it may concern,

Hello, my name is Logan Lau, I am a current senior at Kamehameha Schools Kapalama and will be attending Stanford University in the Fall. I stand in strong support of SB3118.

I believe a ban on flavored tobacco products including menthol is crucial in order to keep our keiki (my peers) safe for generations to come. Menthol specifically, is responsible for that minty flavor used in many e-liquids that makes it easier for youth to start and harder for them to quit. This is evidenced by the fact that in Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes. The consequences of this are that while nicotine and tobacco addiction is deadly for everyone, Native Hawaiians (like myself) die at higher rates of lung cancer than other groups. Moreover, with the explosion of the youth vaping epidemic in Hawaii coupled with the recent spikes in COVID-19 cases, the time to act is now.

For far too long, BIG tobacco has used illusive marketing strategies which target younger generations like my own. Appealing flavors are driving up youth tobacco use in our state and with thousands of kid-friendly flavors on the market and little regulation, the industry has no incentive to stop selling them. These flavors ultimately entice younger generations and get them hooked on nicotine. That said, it's no wonder that 95% of smokers start before the age of 21.

To make matters worse, BIG tobacco focuses its marketing efforts on low-income areas that are economically vulnerable. This, in and of itself, is a social justice issue. And because of this, tobacco use and tobacco-related illnesses have been affecting Hawaii's communities disproportionately. Strategic targeting and aggressive marketing by the tobacco industry, which for years has labeled Hawai'i as "the menthol State", is a major factor in Hawaii's youth e-cigarette use, increasing for both high school and even middle school students. In 2019 alone, the percentage of frequent high school e-cigarette users doubled. When compared to all ethnic

populations, e-cigarette use is the highest among Native Hawaiian and Pacific Islander youth (like myself) and the targeted marketing by these tobacco empires is the cause of this.

If this bill is passed, I hope to see a significant decrease in the number of teens using e-cigarettes which will hopefully spell the end of the youth vaping epidemic and will protect my peers who are already facing a global pandemic.

In closing, I'd like to share a personal story of a high school student that gets addicted to vaping, via flavored tobacco products. This soon grows into a much larger nicotine addiction which leads into the use of other drugs. Nicotine rewires the brain making users more likely to use and become addicted to other drugs and this is exactly what happened. The nicotine addiction soon turns into a harder drug addiction and while this student graduates and goes on to USC, within a matter of months they are expelled and sent back home because of their drug addiction. The story doesn't end there, they now have a prison record and live on the streets. This, someone, was a very close family friend of mine. Thus, I am writing this today to ensure that this never happens to anyone else.

Thank you.

<u>SB-3118</u> Submitted on: 1/31/2022 6:03:04 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Holly Taguma	Individual	Support	No

Comments:

Aloha my name is Holly Taguma and I am a high school senior on the island of Kauai. I am in strong support of SB 3118. Flavored tobacco entices youth with it's tastes, this is dangerous because nicotine keeps them hooked for life. Menthol isa flavor because it masks the harsh taste of tobacco. Flavors are one if not the most prominent reasons why so many youth use tobacco today. In school sometimes if I walk into the bathroom at the wrong time I will catch the strong sweet smell of vape smoke. Or in classes when the teacher is not looking I will see my peers masking the vape in their sleeve to catch a puff. These are just some of the everyday ways that flavored tobacco affects my life. Thank you for reading my testimony.
<u>SB-3118</u> Submitted on: 1/31/2022 11:36:31 PM Testimony for HTH on 2/2/2022 1:00:00 PM

 Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bryan Mih	Individual	Support	No

Comments:

Aloha,

As a pediatrician and medical director of the Kapi'olani Smokefree Families Program, I strongly support this bill.

The American Academy of Pediatrics has strongly supported elimination of flavored tobacco products, including menthol. These products have been shown to be disproportionately used by young people, especially teenagers, as the menthol and other flavors make it easier to start using tobacco and nicotine.

These products are targeted towards our keiki with flavors such as mango, bubblegum, gummy bear, and pineapple. The tobacco corporations have intentionally included menthol, which provides a soothing, cooling effect similar to that in cough drops. Menthol reduces the harsh irritation to the lining of the nose, mouth, and airways, which allows smokers and vapers to inhale more easily. This makes it much easier for young people to initiate tobacco use. The tobacco industry has a long history of marketing menthol cigarettes to youth and vulnerable groups. In Hawaii, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes.

Hawaii has one of the highest rates of middle schoolers and high schoolers currently using ecigarettes. Nicotine is a highly addictive drug that impacts the adolescent brain, reducing impulse control and affecting mood. Those who use e-cigarettes are four times more likely to smoke regular cigarettes later on. The e-cigarette industry claims these are cessation devices, but a recent study has shown that even if one adult can quit with these devices, the trade-off is 81 young people who will start the habit in their place. This is completely unacceptable.

Once young people are addicted to nicotine, it is extremely difficult to quit. By eliminating these products from Hawaii, we have the chance to improve the health of many, especially of our keiki.

On behalf of the keiki and young people of Hawaii, I urge you to support this bill.

Mahalo for your consideration and support of this important measure.

Sincerely,

Bryan Mih, MD, MPH, FAAP

Pediatrician

<u>SB-3118</u> Submitted on: 2/1/2022 5:41:18 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathy Kim	Individual	Oppose	No

Comments:

Stop attacking the vaping community. Strongly opposed to SB3118.

<u>SB-3118</u> Submitted on: 2/1/2022 7:16:38 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathryn Braun	Individual	Support	No

Comments:

I am a professor of Public Health, testifying as an individual. My husband has Chronic Obstructive Pulmonary Disease, caused by smoking cigarettes from age 14 to age 34. When he started at age 14, he had no idea that he was causing damage to his lungs. Now, he is a high utilizer of our healthcare system!

About 80% of youth who ever used tobacco products started with a flavored product, and more than half of youth smokers use menthol cigarettes. About 42% of Hawai'i high schools students report trying e-cigarettes, and this is a pathway to tobacco addiction.

With flavors like Unicorn Milk, Sour Straws, or Strawberry Watermelon Bubblegum, the industry is clearly targeting our children. It's well-documented that menthol flavors are particularly enticing to teens who haven't previously used tobacco, as it has cooling properties that mask the harshness of tobacco smoke and nicotine, making menthol cigarettes easier to start and harder to quit.

Restricting the sale of kid-friendly flavors that appeal to youth is necessary to protect them from a lifetime of addiction and subsequent disease, which is costly to families and to the state. Please vote to support this bill.

<u>SB-3118</u> Submitted on: 2/1/2022 7:34:11 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Allen Bartolome	Individual	Support	No

Comments:

I support the passage of this bill

<u>SB-3118</u> Submitted on: 2/1/2022 8:41:57 AM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Charity Kaiwi Hartman	Individual	Support	No

Comments:

To whom it may concern:

Aloha! I write in strong support of Bill SB 3118. As a mother of two boys, one going into high school and one going into middle school next year, I understand the lure of flavored nicotine products that my boys (and their peers) are exposed to. No parent is excited about the possibility that their child might one day get hooked on an addictive substance, knowing the hurt and self-destructive behaviors that result from substance use and addiction.

I am asking that you please vote in support of this bill, so that these addictive and harmful products are not enticing to our youth. Please take action to support our Keiki, our future.

Thank you for your time and consideration.

Mahalo, Charity 'Apelila Kaiwi Hartman Date: February 1, 2022 To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health Re: Strong Support for SB3118

Aloha mai kākou. My name is Joshua Ching and **I strongly support passage of SB3118**.

For most of my time throughout high school, I've been surrounded by the effects of the tobacco industry's targeting of students. From puffs of smoke clouding bathroom stalls to my classmates sneaking an inhale from their vape during class, it's a trend that I've seen often, and that has honestly become normalized in my day-to-day. That, above all else, should be the scariest thing – that for many high school students, the prevalence of a new and booming facet of the tobacco industry is just another thing in their everyday.

It didn't start to truly sink in, however, until a few of my closest friends began using e-cigarette products. Most of them were willing to spend upwards of \$30 for an elf bar or a dab pen – money that came out of their own pockets. When I talked to one of them, asking why they chose to vape, they told me that it helps them deal with their anxiety and body dysmorphia, since nicotine suppresses a user's appetite. As I inquired more, they told me that it was the sweet, candy-like flavors that kept them hooked — alongside the many TV shows and other forms of media that glamorized its use in their eyes. It was painful to see the people I cared about most get taken advantage of by the tobacco industry — an industry that weaponized the anxieties of a teenager by specifically marketing to them.

This story, however, isn't unique to just me — it's one that rings true for so many kids across Hawai'i. It comes as no surprise, then, that Hawai'i has one of the highest rates of middle school and high school vaping rates across the nation. Targeted marketing, whether through the use of flavors, ads, or media glorification, is driving

Senate Committee on Health Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

Testimony in strong support for SB3118

It is imperative that e-cigarettes are regulated the same as other tobacco products since they contain the same amount of nicotine (if not more) that make it harder for students to quit.

In my middle school, there used to be a widespread vaping issue among classmates. Many students were caught using e-cigarettes on several occasions including the class president at the time. In fact, most students looked up to the popular people in school and saw vaping as a status symbol. It is this type of pressure that continues the cycle in my school; however, these students should not be blamed for this behavior.

Youth are not the source of the issue and therefore should not be held responsible. I strongly believe that tobacco companies should be punished for marketing their products to youth in our state through candy flavors. Please help the students in my school as well as all students across the island by ending the sale of flavored tobacco products.

Noah Chang Honolulu To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

I am writing today in strong support of SB3118.

So many of my peers have easy access to tobacco products. The flavor of these tobacco products tend to appeal to my age group as a teen. I have seen this vaping epidemic take over high schools. Countless times I have seen my peers vaping in the bathroom, and I smell the strawberry or mint flavored product fill the air. I have seen my peers get sick and/or deal with lung problems from smoking.

The availability and the targeting of these products has caused such great harm to Hawaii youth, and I want to see accountability from Big Tobacco who fuels this harm. Please pass SB 3118 and help protect our youth from targeting by Big Tobacco.

Misa Layne Honolulu Feb 1, 2022

To: Senator Keohokalole - Chair, Senator Baker - Vice Chair and members of the Senate Committee on Health

Youth tobacco use is personal for me, it impacted my boyfriend who started to smoke at a young age. He finally quit at age 20 but started when he was a freshman in high school. Like many of our peers at the time he started with a Juul e-cigarette. And like many, it wasn't long before he was also smoking menthol cigarettes It took him years to quit but he finally did. I am thankful for that, hopefully he does not have any health problems as he gets older.

The availability of flavored tobacco products negatively impacts the youth of Hawaii by being readily available for them to buy and smoke. Flavored tobacco products are clearly targeted at students as young as middle school, just look at the flavors that are available. These flavors make middle schoolers want to try tobacco products.

I think e-cigarettes need to be regulated like other tobacco products in order to stop students from transitioning to smoking, like my boyfriend.

Please pass SB3118 and end the sale of all flavored tobacco products to help keep our young people from starting a potentially lifetime of addiction through the use of flavored tobacco products.

Bailee Otto

Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

My name is Jaelyn Natividad and I am writing in support of SB3118.

The availability of flavored tobacco products negatively impacts youth and other targeted groups by enticing these innocent people to purchase these harmful products. This being said, the more flavored tobacco is available in the community, the greater the increase of tobacco uses that occurs.

The importance of menthol flavors being in the ban for both e-cigarettes and other tobacco products is because menthol flavors are some of the most popular and are what attract people to purchase these products. If you think about it and relate it to food, many people want different varieties or flavors of food. E-cigarettes are no different; there is a flavor to appeal to every taste like Bubblegum, Hawaiian POG and Cotton Candy.

I believe that we need to regulate e-cigarettes as much as other tobacco products due to the harmful nicotine in these products that can result in a lifetime addiction by getting rid of all flavored tobacco products. Date: Feb. 1 2022 To: Senator Keohokalole - Chair, Senator Baker - Vice Chair and members of the Senate Committee on Health Re: Support for SB3118

Flavored tobacco products are readily available to youth. This is very dangerous because the tobacco industry uses flavors to target youth. Menthol is an important flavor as 64% of high schoolers that vape use menthol flavors. It masks the harsh flavor of tobacco, making it easier to inhale and harder to quit.

Native Hawaiians and other Pacific Islanders are disproportionately impacted by menthol. 78% of Native Hawaiians and Pacific Islander smokers smoke menthol cigarettes. They are also more likely to die from lung cancer than most other groups.

We need to get rid of all flavored tobacco and e-cigarettes need to be treated the way other tobacco products are. They are just as dangerous, if not more so than other tobacco products and we need to protect our keiki.

Holly Taguma Lihue, Kauai

Senate Committee on Health

Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

Testimony in strong support for SB3118

The availability of flavored tobacco products negatively impacts youth and other targeted groups. Flavors make tobacco products more appealing to youth, and overall help the industry gain more underaged consumers.

Youth are subject to marketing with images ever present on social media and on shows on streaming services popular with youth. Youth easily become aware of who is able to supply them with these products.

While in the stall using the bathroom, the smell of sweet perfume with the mix of menthol flavors fills the air. It is important to me that menthol flavors be included in the ban for both e-cigs and other tobacco products because, youth are youth. To elaborate, youth are constantly attracted to the newest products through marketing. But, youth will be less likely to use a product that is unflavored and not one able to deliver that desired "Chill", "ICE" or "Frozen" flavor that menthol ads. By eliminating all flavors, including menthol, you eliminate products that attract new underage users.

In high school it is extremely normalized to have an e-cig addiction, with the same kind of constant use that was seen in adolescents from previous generations with cigarettes. It took decades to pass legislation to protect youth from flavored combustible cigarettes and menthol is still allowed. The result, while youth smoking rates declined, we still see 1,400 deaths a year in Hawaii from tobacco related illnesses. I think it is time to put in place laws that will protect this generation of youth from becoming addicted to nicotine via e-cigs. We need to protect our youth from being targeted by flavored e-cigarettes and finally get rid of menthol cigarettes too.

Please pass SB3118 and help protect my friends from a destructive future.

Shaneille Ramos Keaau, Hawaii Date: Feb 1, 2022

To: Senator Keohokalole - Chair, Senator Baker - Vice Chair and members of the Senate Committee on Health Re: Support for SB3118

The availability of flavored tobacco products exposes youths like myself to products with adverse health effects that coerce us into trying things that we might not know the full extent of. Oftentimes, the availability of the flavored tobacco products are also accompanied by advertisements that use manipulative marketing tactics to attract youths. These two things combine to create a dangerous recipe for the vaping epidemic that we're currently seeing.

It's important that menthol flavors are included in the ban because it's crucial to eliminate flavors that entice kids. Menthol flavors help mask the taste of chemicals so kids are less likely to notice or acknowledge the harmful substances that they are inhaling. This makes it easier for kids to be hooked on these products.

Why should e-cigarettes be an exception to the regulation on tobacco products? E-cigarettes have been shown to have similar health risks and have greater impact in vulnerable populations such as youths. It's time to end the sale of all flavored tobacco products.

Zoey Duan Honolulu Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

My name is Carissa Angelize Esta and I support SB3118.

The reason this bill is so important to me is that I have a few adults in my family who have been using tobacco products since a young age, and now cousins around my age who are getting into it. It is sad to see that they are aware of the impact of tobacco on their bodies, but still dismiss it. Many of them smoke or use other tobacco products every day.

I had an uncle who quit, but ended up turning back to chewing tobacco when a loved one passed away. I do not believe that tobacco is a way of escape or a way to relax. I see it as a threat to the human body.

I have a cousin that I know uses e-cigarettes. I have also seen my fellow classmates and even younger classmen around sixth grade who use e-cigarettes. Our generation is always changing, we seem to be growing up too quickly, and we all want to find our place to fit into. I do not think the use of tobacco products is the best way for the younger generation to try and fit in. E-cigarettes are as bad as other tobacco products. Nothing about tobacco products is safe.

With so many flavors out there, including menthol, I feel the availability of flavored products makes it more of a temptation for those starting out or thinking about starting. Please help end the sale of all flavored tobacco products and pass SB3118. Senate Committee on Health Senator Keohokalole, Chair Senator Baker, Vice Chair and members of the Senate Committee on Health

My name is Kaya Pettit and I support SB3118.

Flavored tobacco products expose and hook people to nicotine from a young age. This affects them mentally and physically. E-cigarettes in particular contain high amounts of nicotine, increasing the risk of addiction. Nicotine alters the developing brain of youth and young adults, affecting things like memory and self control. Not just that, tobacco products can cause other problems such as lung and cardiovascular diseases.

Flavors, including menthol have been used by the tobacco industry to target their deadly products towards certain groups of people and younger possible consumers. It allows for people to get easily started and hooked on these addictive and harmful products, and ends up creating a lot of health problems for our generation.

It's not the youth's fault for getting addicted. While it may have been their decision to start, it is often because of peer pressure and the marketing specifically aimed towards youth that enticed them into starting. We shouldn't penalize the youth for falling for the traps of companies targeting them, rather focus on how to avoid getting them started in the first place. Ending the sale of all flavored tobacco products is a good place to start.

To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health

I am writing today in strong support of SB3118.

Flavored tobacco traps youth into wrongly devoting their lives to the craving of tobacco and can lead to bad mental and physical health which can carry on into adulthood. Flavors, including menthol wrongly make tobacco products more viable for the youth who could end up addicted to the product.

The damage and addiction that results from the use of cigarettes and other tobacco products are the same as that of e-cigarettes. We don't allow candy flavored cigarettes, why do we allow candy flavored e-cigarettes? We also need to close the menthol loophole as this sweet flavor is the most popular with youth in cigarettes and e-cigarettes.

Don't let another generation of youth fall prey to the tobacco industry, end the sale of all flavored tobacco in Hawaii.

Ethan Kimura Hawaii Kai Date: February 1, 2022 To: Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health Re: Strong Support for SB3118

I favor a ban on flavored tobacco products, especially e-cigarettes. It's much easier for children to get hooked on a tobacco product if the product is flavored. Flavors are designed to draw children in and Big Tobacco companies try to use flavors to get children to use tobacco products. These flavors are specifically marketed towards kids, with flavors like POG and Tropical Blast. This is wrong and needs to be stopped.

97% of children who vape say that they use a flavored product, and 81% of children who use tobacco products say that they started with a flavored product.

A common flavor is menthol, or mint. Other names (marketed towards children) are things like Ice and Chill. Menthol is an extremely popular way for youth to start vaping, because its cooling properties mask the harshness of the tobacco. This makes it much easier for them to start!

All in all, we need a flavor ban to protect the lives of children. Over 21,000 youth alive today will die from a tobacco related health issue. Banning the sale of flavored tobacco is a crucial step to reducing that devastating number.

Karenna Meyermann Mililani

Senate Committee on Health

Senator Keohokalole, Chair Senator Baker, Vice Chair and members of the Senate Committee on Health

I want to share with you why I think **supporting SB3118** is so important.

There was a girl about my age in my drivers Ed class, she was about 15 or 16 years old. I noticed that she was going to the bathroom a lot. I dismissed this at first, and then noticed that the guy sitting next to her was sneaking her a vape pen whenever she would use the bathroom. At first she was going to the bathroom every half an hour or so. She started missing so much of the class, she was leaving every ten minutes. She then missed so much class that she failed and had to reschedule to retake the class all over again. One day, after class as we were all waiting outside to be picked up, she kept asking to use this guy's vape pen. He kept telling her no, he knew the dangers of nicotine products and vaping and told her that he was going to quit and that she shouldn't be vaping in the first place. After asking a few more times she started begging him to use it and even tried to take it from him.

Now that I've seen first hand what nicotine products can do to young people; I want to do everything I can do to advocate for the young teens out there who have been through this. I want to make sure that all teens are aware of the damage that this causes physically and mentally.

Flavors hook kids. The fact that big tobacco companies are using such sweet flavors shows that they know young teens and young adults are more likely to try them. All of their flavors should speak for themselves, how else can they explain flavors like POG, Mauna Dew, or Bubblegum? They know what age demographic is most likely to be impressionable and interested in these flavors.

Teens are hooked in by the flavors, many are misinformed and under the impression that vaping calms you down and lowers anxiety, the reality is that e-cigarettes are leaving young teens addicted, depressed, and anxious.

When adolescents and young adults use nicotine products it harms the parts of the brain that control attention, learning, mood, and impulse control. Nothing good can come from e-cigarettes being accessible to the youth in our communities.

Menthol is of particular concern, it opens up your lungs. When it's inhaled, menthol can reduce airway pain and irritation from cigarette smoke and e-cigarettes aerosol as well as suppress coughing, giving smokers the illusion of breathing more easily. When big tobacco products use menthol, they are making sure more nicotine is inhaled. This is setting up millions of young teens for addiction.

The solution seems simple enough, end the sale of flavored tobacco products and protect the youth of Hawaii from targeting by the tobacco industry. Choose people over profits.

Sydnie Ryan Kapolei Date: February 1, 2022 To: Senator Keohokalole, Chair Senator Baker, Vice Chair and members of the Senate Committee on Health Re: Strong Support for SB3118

Aloha,

I am here to ask for your help to end youth smoking in Hawai'i, and one of the best ways that you can help us is by making sure that youth cannot receive access to vaping by the internet. The Internet is a place of usefulness but can be used as a weapon by tobacco companies, for example websites like elementvape.com is a very easy way that youth can buy E cigarette merchandise; because not only do they sell disposable e-cigs, but they also sell flavors that can mask the use of E-cigs with a simple breath mint aroma. But the contents inside the liquid that smells so good to a teenager, is actually a chemical like formaldehyde which is normally used to keep dead animals looking like they never died and heavy metals that are toxic to the human body. If SB3118 passes in Hawai'i I can rest easily knowing that my family or friends won't be tempted by the scents of E-cigarette liquid.

Mahalo,

Tresyn Kekoakuikalani Molina

Senator Keohokalole, Chair Senator Baker, Vice Chair and members of the Senate Committee on Health

Support for SB3118

The availability of flavored tobacco products negatively impacts youth because it allows them to have easy access to these harmful products, which can have major consequences down the road. In addition, the wide range of flavors only adds to the industry's targeting of youth.

I have seen many of my peers and friends try and become addicted to e-cigarettes. One of my best friends is addicted to e-cigarettes, and I can see the way it is affecting her life. I have tried talking to her about it, educating her, and even showing her all the harmful things nicotine has done to people, but it hasn't worked. The issue with many youth is that they know all the harmful things that nicotine can cause, and yet they don't truly believe it will happen to them. This is why e-cigarettes should not be available to youth, so that it can't harm them in this way.

E-cigarettes can be just as harmful as other tobacco products, and are an increasing problem among today's youth. These products target youth through the more than 15,000 flavors and can potentially cause lifelong health issues that young people are not aware of. Ending the sale of all flavored tobacco products will help stop a new generation from going down this dangerous path.

Celia Chang Honolulu Senator Jarrett Keohokalole, Chair Senator Rosalyn H. Baker, Vice Chair and members of the Senate Committee on Health,

The availability of flavored tobacco products negatively impacts youth and other targeted groups in that they use candy-like flavors to trick youth and create an image of these dangerous products being seen as candy, or something good. These tobacco products also stigmatize and take advantage of our native culture to sell certain flavors like Mauna Dew, and Hawaiian POG.

While attending my public school middle school almost every single time I walked into the bathroom there was somebody vaping. Recently a couple of my neighbors had to go to the hospital because of their e-cigarette addiction, and it hurts to see children like me suffer due to these dangerous products taking advantage of them.

I also believe it's important that menthol flavor should be included in the ban for both e-cigarettes and other tobacco products because menthol is the most commonly used flavor, in particular among Native Hawaiians like myself.

I ask that you **support SB3118** and help protect our keiki.

Chanel Matsumoto

TESTIMONY SB 3118

I am a long-time Kauai pediatrician, and I am writing in that role to support SB 3118 banning flavored e-liquids. We are in the midst of a vaping epidemic in Hawaii with startling statistics – 1/3 of high school and 1/5 of middle school students are regular vapers. E-cigarettes are purposely made attractive to our keiki by their fruit, candy, and menthol flavors. They are, in effect, attractive starter drugs for nicotine inhalation. Nicotine is one of the most addictive substances, especially for children, and by exposing young people early, they are easily hooked for life. The most practical and expeditious way to prevent introducing vaping liquids to children is to prohibit the sale of flavored e-cigarettes in the first place.

Menthol is a flavor that was originally introduced to mask the harsh taste of nicotine. Therefore, menthol cigarettes and e-cigarettes are also starter drugs, and preferred by certain socioeconomic groups. At present 78% of native Hawaiian and Pacific Islanders who use tobacco products smoke menthol cigarettes. By banning menthol, the appeal of smoking and e-cigarettes would be much reduced.

There is a clear-cut way to greatly reduce e-cigarette use by our most precious resource – our keiki. That is to eliminate access to flavored vaping liquids and menthol by legislation. There is absolutely no reason to avoid this responsibility.

Linda Weiner, MD Kauai Pediatrician

<u>SB-3118</u> Submitted on: 2/1/2022 12:05:23 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Sub	mitted By	Organization	Testifier Position	Remote Testimony Requested
Crysta	al Germano	Individual	Support	No

Comments:

Aloha,

I am in strong support of SB 3118. I truly believe flavors entice the youth and adults alike. I have seen it first hand when I overheard a conversation about teens talking about vaping and how they love the flavors. How they want to try each flavor because it tastes delicious. They may or may not understand the dangers they are putting themselves at risk to. In the long run, this creates an addiction and health complications arise due to smoking. I have seen too many youth and teens addicted to smoking not knowing about the reprecussions. My family members who have smoked and vaped at a young age are now seeing the harms to their bodies. They cough blood and it causes breathing problems when tey are sick. This is why I am in strong support of this bill.

Thank you for your time and consideration,

Crystal Germano

<u>SB-3118</u> Submitted on: 2/1/2022 12:07:01 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lisa Delfin	Individual	Support	No

Comments:

I support this bill and the ban of all flavored tobacco products to protect our keiki who are being directly targeted by tobacco companies.

<u>SB-3118</u> Submitted on: 2/1/2022 12:09:53 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lauren Nelson	Individual	Support	No

Comments:

Flavored tobacco, even menthol, hooks children. We need to protect our keiki and public health. Say no to flavor tobacco, support SB3118

<u>SB-3118</u> Submitted on: 2/1/2022 12:31:48 PM Testimony for HTH on 2/2/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann Chung	Individual	Comments	No

Comments:

The 2009 Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) gave the US FDA jurisdiction to regulate tobacco products. Under the Tobacco Control Act, the FDA, through the newly-created Center for Tobacco Products, established the science and evidence-based Premarket Tobacco Product Application (PMTA) process to review and authorize new tobacco products introduced into the United States after February 15, 2007. ENDS products, including those that have been on the market as of August 8, 2016, may be authorized through PMTAs.

Manufacturers seeking a PMTA must demonstrate that marketing a new tobacco product would be "appropriate for the protection of the public health" for the population as a whole. This includes evaluating the impact on both current tobacco product users and nonusers. Obtaining a PMTA marketing order means that a manufacturer is authorized to market and sell its product to consumers in the United States.

Request your consideration of an amendment to SB3118 to exempt menthol and any flavored vapor product that has been issued a marketing granted order or other authorization by the US FDA under 21 U.S.C. Section 387j.

Mahalo for your consideration.

February 2, 2022

RE: SB3118



Relating to Tobacco Products

The <u>Pioneering Healthier Communities Initiative</u> brings together local, diverse leaders to discuss and support strategies, policies and programs that we can accomplish together to build healthier communities in our island home. The members of PHC Honolulu are involved in supporting efforts that enable children and families to become healthier through schools, afterschool programs, healthcare and more.

E-cigarette use, especially among today's youth, has skyrocketed, especially as the COVID-19 pandemic continues. Drive by any local Hawaii middle or high school before or after school and you will witness the large number of youth using these devices. But e-cigarettes are far from healthy. They contain chemicals, such as nicotine and diacetyl, that are known to have serious health consequences. Research has shown that most kids start their e-cigarette, and nicotine addiction, with flavored products such as bubble gum, fruity pebbles and cotton candy.

<u>E-cigarette manufacturers are aggressively, and unabashedly, marketing their products to our most vulnerable community members including kids, teens, and young adults.</u>

Please understand **that menthol is a flavor and needs to be included in this bill.** Menthol hides the harsh taste of tobacco, making it easier for people, especially kids, to start vaping and not quit. While many kids start vaping with fun flavors, such as bubble gum, they often transition to menthol flavors soon thereafter – a sign of being cool and "healthy."

As such, we strongly support of **SB3118**, which will end the sale of all flavored tobacco, including menthol.

Sincerely,

Paula Adams

Joy Barua

May Okihiro

Tina Tamai

Diane Tabangay (YMCA HI)

Ray L'Heureux

Daniela Spoto

Greg Weibel (YMCA HI

Daniel Leung

<u>SB-3118</u> Submitted on: 2/1/2022 1:58:21 PM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
John A. H. Tomoso	Individual	Support	No

Comments:

RE: SB3118

02-01-22

Aloha,

We are in the midst of a youth vaping epidemic. In Hawai'i, one in three high school students and one in five middle school students report "current use" of e-cigarettes. I find this incredibly sad and dangerous! I've been a Social Worker for going on 46 years and I think I know "sad" and "dangerous" when I see and understand it!

With 8 in 10 kids starting with a flavored tobacco product, a major way to address young people's use of tobacco products, including e-cigarettes, is to prohibit the sale of flavors that attract youth in the first place and discourage them from trying these products. This legislation will remove the thousands of fruit and candy-flavored tobacco products, as well as menthol cigarettes, that are addicting our keiki. I know that this marketing is especially evil and morally wrong, as it is targeted to children. Sorry for the harsh and strong language, but I really see it as such. I'm also a Grandfather and I feel sorry for all kids who need to go through this gauntlet of marketing and dysfunctional behavior on the part of their peers and adults, who should know better!

Mahalo,

John A H Tomoso+, MSW, ACSW

51 Ku'ula St., Kahului, Maui, HI 96732-3906

john.a.h.tomoso@gmail.com, 808-280-1749

<u>SB-3118</u> Submitted on: 2/1/2022 2:37:45 PM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Molly Mamaril	Individual	Support	No

Comments:

Aloha Chair Keohokalole, Vice Chair Baker and Members of the Senate Committee on Health,

I hope you are well. I am writing in SUPPORT of SB 3118 to aid in ending the sale of all flavored tobacco products, including menthol cigarettes, in Hawai'i.

Flavors in tobacco products entice youth, while the nicotine keeps them hooked for life. In 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product, up from 7 in 10 in 2019 (National Youth Tobacco Survey). Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol is just as, if not more, harmful than any other flavor in tobacco. Notorious for its ability to mask the harshness of tobacco, menthol makes it easier to start and harder to quit. If our aim is to protect our keiki and reduce the burden of tobacco in our communities, we must include menthol.

Ending the sale of all flavored tobacco will advance health equity – disparities in tobacco use are due to the tobacco industry's history of marketing menthol cigarettes to youth and people of color. In Hawai'i, 78% of Native Hawaiian and Pacific Islander smokers use menthol cigarettes (Hawai'i BRFSS, 2008). Mint and menthol flavored e-cigarettes are one of the most popular flavors among youth.

Mahalo for your consideration,

Molly Mamaril

<u>SB-3118</u> Submitted on: 2/1/2022 2:42:41 PM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Costa	Individual	Support	No

Comments:

Wholeheartedly support

<u>SB-3118</u> Submitted on: 2/1/2022 4:52:07 PM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Naomi C. Liu	Individual	Oppose	No

Comments:

I though democrats were for freedoms. With SB3118 what happened?

<u>SB-3118</u> Submitted on: 2/1/2022 5:19:18 PM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chris Cooper	Individual	Oppose	No

Comments:

STRONG OPPOSE. Kids can't buy them already.





Testimony before the Hawaii Health Committee Regarding Banning the Sale of Flavored Tobacco and Vapor Products Lindsey Stroud, Director Consumer Center Taxpayers Protection Alliance February 2, 2022

Chairman Keohokalole, Vice-Chair Baker, Members of the Committee:

Thank you for your time today to discuss the issue of banning flavored sales of tobacco and vapor products. My name is Lindsey Stroud, and I am Director of The Taxpayers Protection Alliance's (TPA) Consumer Center. TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government's effects on the economy. TPA's Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

Per the statement from the legislation's sponsor, this proposal is an effort to address youth use of tobacco and vapor products. While such efforts are laudable, policymakers should refrain from excessive prohibition when addressing such issues. Rather, than punish adult former smokers, Hawaii lawmakers ought to fund robust tobacco control programs, including education and prevention.

Youth Use of Tobacco and Vapor Products is Declining

The sponsor of the legislation purports that Hawaiian youth are vaping at "an epidemic level." This is an interesting choice of words given how lawmakers did not ban flavored tobacco products in the 1990s when Hawaiian youth were overwhelmingly using combustible cigarettes, which are far more deadly than tobacco harm reduction products such as e-cigarettes.

According to data from the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Surveillance Survey (YRBSS) – and the same survey the legislation relies on – in 1995, 68.8 percent of high school students reported ever-using combustible cigarettes and 32.4 percent were current users, defined as having smoked a cigarette on at least one occasion in the 30 days prior to the survey.¹

While youth of vaping is a reason of concern, it also coincides with a significant decline in youth use of combustible cigarettes. In 2019, 17.8 percent of high schoolers reported ever-trying cigarettes and only 5.3 percent were current users, representing declines of 74.1 percent and 83.6 percent, respectively, from 1995 rates.

Taxpayers Protection Alliance, 1401 K Street, NW., Suite 502, Washington, D.C. 20005 (202) 930-1716, www.protectingtaxpayers.org

TAXPAYERS PROTECTION ALLIANCE

Moreover, the legislation is relying on 2019 figures on youth use which disregard recent surveys that have found that youth use of vapor products is on the decline. In 2019, 48.3 percent of Hawaiian high school students reported ever-trying e-cigarettes, 30.6 percent reported past 30-day use, and 7.9 percent reported using vapor products daily.

In 2021, according to the National Youth Tobacco Survey, an estimated 11.3 percent of high school students and 2.8 percent of middle school students reported having used a vapor product on a least one occasion in the month prior to the survey.² Further, only 3.1 percent of high school students and less than one percent of middle schoolers reported daily e-cigarette use. The rate of decline is remarkable: among high school students, vaping rates have declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes.

Robust Tobacco Control Funding – Not Bans – to Address Youth Tobacco and Vapor Product Use

Interestingly, in Section 1 of the proposed legislation, when determining the cost of smoking to the Aloha State, the sponsor relies on data from the CDC's *Best Practices for Comprehensive Tobacco Control Programs* 2014 guide.³

According to the CDC, the "2014 edition describes an integrated programmatic structure for implementing interventions proven to be effective and provides the recommended level of state investment to reach these goals and to reduce tobacco use in each state."⁴ Of the proposed approaches from the CDC, none are bans. For Fiscal Year 2014, the CDC recommended that Hawaii dedicate \$13.7 million annually for tobacco control programs, with \$9.9 million suggested for a minimal.⁵

This is intriguing because the Aloha state spends very little of existing tobacco monies on robust tobacco control programs. In 1939, under the Territorial Government, Hawaii first imposed an excise tax on tobacco products.⁶

Between 2000 and 2020, Hawaii collected an estimated \$2.1 billion in cigarette taxes.⁷ During the same 20-year period, the Aloha State increased the tax rate on cigarettes nine times. The last tax increase raised the rate by \$0.20, to \$3.20 per pack.

Tobacco taxes are not the only form of tobacco-revenue the state collects. In the mid-1990s, Hawaii sued tobacco companies to reimburse Medicaid for the costs of treating smoking-related health issues. And, in 1998 with 45 other states, the Aloha State reached "the largest civil litigation settlement in U.S. history" through the Master Settlement Agreement (MSA).⁸
Under the MSA, states receive annual payments – in perpetuity – from the tobacco companies, while relinquishing future claims against the participating companies. Between 2000 and 2020, Hawaii collected \$974.4 million in MSA payments.⁹

Despite increasing taxes, and perpetual settlement payments, the Aloha State allocates very little of state funding towards tobacco control.

Between 2000 and 2020, Hawaii allocated only \$168.9 million in state funds towards tobacco control programs.¹⁰ This is 7.9 percent of what the state collected in cigarette taxes in the same 20-year time span and 17.3 percent of MSA payments. In total, in 20 years, Hawaii allocated only 5.4 percent of what the state received in tobacco taxes and settlement payments towards tobacco education and prevention efforts. In essence, for every \$100 received in tobacco-related taxes and settlement payments, the state spent \$5.40 funding tobacco control programs.

Moreover, increased taxes did not create increases to state tobacco control funding. For example, in 2010, the state increased the cigarette tax by \$0.60, to \$2.60 per pack. This led to an immediate 14.8 percent increase in cigarette tax collections, from \$104.4 million in 2009 to \$119.9 million in 2011. During the same time period, tobacco control funding decreased by 24.8 percent, from \$10.5 million in 2009 to \$7.9 million in 2010.

If lawmakers truly care about youth use of age-restricted products, especially tobacco products, they ought to invest more funding in robust tobacco control programs. In 2020, Hawaii dedicated only \$6.1 million in state funding to such programs, that amounts to just \$20.62 per person under the age of 18.

Vapor Product Emergence Correlates to Significant Declines in Young Adult Smoking Rates

Electronic cigarettes and vapor products were Aloha introduced to the U.S. in 2007 "and between 2009 and 2012, retail sales of e-cigarettes expanded to all major markets in the United States."¹¹ Moreover, between September 2014 and May 2020, e-cigarette sales in the U.S. increased by 122.2 percent.¹²

Examining data from the CDC's BRFSS finds that e-cigarettes' market emergence has coincided with a significant reduction in smoking rates among young adults.

In 1998, among current adult smokers, 24 percent were 18 to 24 years old. In 2008, this had decreased by 22.1 percent to 18.7 percent of adult smokers in Hawaii being between 18 to 24 years old.

In the years after e-cigarette's market emergence in the early 2010s, smoking rates among current smokers aged 18 to 24 years decreased by 50.9 percent. Indeed, in 2010, among current smokers in Hawaii, 23.2 percent were between 18 to 24 years old. In 2020, only 11.4 percent of current smokers were 18 to 24 years old.

Further, since 2016, when the U.S. surgeon general issued an alarm about youth e-cigarette use, smoking rates among adults aged 18 to 24 years in the Aloha State have decreased by five percent, with an average annual decrease of 4.7 percent.

Adult Vaping Rates

Despite providing annual data on cigarette and smokeless tobacco use, the CDC's BRFSS only reports on adult e-cigarette use for 2016 and 2017.

In 2017, according to the BRFSS, 4.7 percent of Hawaii adults were current e-cigarette users. Similar to income status among smokers, lower income persons are more likely to use vapor products. In 2017, among current adult e-cigarette users, 9.7 percent reported household incomes of \$25,000 or less per year. Conversely, only four percent reported earning \$50,000 a year or more.

Economic Impact of Vaping in Hawaii

In 2021, according to the analysis by the Vapor Technology Association, the industry created 190 direct vaping-related jobs in Hawaii. These jobs generated more than \$8.2 million in wages.¹³ Moreover, the industry has created hundreds of secondary jobs in the Aloha State, bringing the total economic impact in 2021 to \$54.7 million. In the same year, Hawaii received more than \$4.6 million in state taxes attributable to the vaping industry.

Unfortunately, efforts by anti-vaping organizations and policymakers have negatively affected vape shops in the Aloha State. The number of employees has decreased by 57.9 percent from 451 in 2018 to 190 in 2021, representing a loss of \$9.9 million in wages.¹⁴ Further, state tax collections in 2021 were down 51.2 percent from 2018's level of \$9.5 million. Overall, the economic output from the vaping industry in Hawaii was reduced from \$100.7 million in 2018 to \$54.7 million in 2021, a 45.7 percent decrease.

Flavors Are Not Main Reason for Youth E-Cigarette Use

According to the sponsor statement of this proposal, flavors are the reason why Hawaiian youth are using e-cigarettes.

This is simply not true. In 2017, among Hawaiian high school students that had ever used ecigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported "other."¹⁵

Further, in analyses of state youth tobacco use surveys, other factors including social sources are most often cited among youth for reasons to use e-cigarettes and vapor products.

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of "flavors," 18.2 percent cited "other," and 12.9 percent reported using e-cigarettes because of friends and/or family.¹⁶

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported "other."¹⁷

Among highschoolers in Maryland that used e-cigarettes, when asked about the "main reason" for using e-cigarettes only 3.2 percent responded "flavors." ¹⁸ Conversely, 13 percent reported because "friend/family used them," 11.7 percent reported "other," and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of "friend or family member used them."¹⁹ Further, 25.9 percent of Montana high school students reported using vapor products for "some other reason."

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes "for some other reason."²⁰

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited "other."²¹

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.²²

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.²³

Flavor Bans Lead to Increased Combustible Cigarette Use

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California.²⁴

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use.

Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette.²⁵ Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019.

Worse, despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette. Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019.

An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco's flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years.²⁶ Although the ban did have an effect in decreasing vaping rates, the authors noted "a significant increase in cigarette smoking" among participants aged 18 to 24 years old.

Other municipal flavor bans have also had no effect on youth e-cigarette use.²⁷ For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

Further, studies have found that banning flavors in e-cigarettes leads to subsequent combustible cigarette use. A 2018 study published in *Tobacco Control* found that banning flavored "e-cigarettes alone would likely increase the choice of cigarettes in smokers."²⁸ A July, 2021 survey in *Nicotine & Tobacco Research* found that one-third (33.2 percent) of survey respondents would "likely switch to [combustible] cigarettes" if flavors were banned in e-cigarettes.²⁹

In August 2021, an article in *American Journal of Public Health (AJPH)* co-authored by 15 past presidents of the Society for Research on Nicotine and Tobacco (SRNT). This prime academic global organization involved with nicotine and tobacco evidence-based research warned that: "Because both youth and adult smokers find e-cigarette flavors attractive, banning all (or most)

flavors risks reducing smokers' use of e-cigarettes to quit smoking at the same time that it reduces youth vaping."³⁰

Health Effects of Electronic Cigarettes and Vapor Products

Despite recent media reports, e-cigarettes are significantly less harmful than combustible cigarettes. Public health statements on the harms of e-cigarettes include:

Public Health England (PHE): In 2015, a landmark report relying on 185 studies and produced by PHE (a leading health agency in the United Kingdom), found "that using [e-cigarettes are] around 95% safer than smoking," and that their use "could help in reducing smoking related disease, death and health inequalities."³¹ In 2018, the agency reiterated their findings, finding vaping to be "at least 95% less harmful than smoking."³²

As recent as February 2021, PHE provided the latest update to their ongoing report on the effects of vapor products in adults in the UK. The authors found that in the UK, e-cigarettes were the "most popular aid used by people to quit smoking [and] ... vaping is positively associated with quitting smoking successfully."³³

The Royal College of Physicians (RCP): In 2016, RCP found the use of e-cigarettes and vaping devices "unlikely to exceed 5% of the risk of harm from smoking tobacco."³⁴ RCP is another United Kingdom-based public health organization, and the same group which was the first to highlight the link between smoking and lung cancer, and other tobacco related diseases, in 1962.

The National Academies of Sciences, Engineering, and Medicine: In January 2018, the academy noted "using current generation e-cigarettes is less harmful than smoking."³⁵

Cochrane Review: Researchers at the Tobacco Addiction Group analyzed studies that examined the effects of e-cigarettes in helping smokers quit. The researchers found 61 studies that had over 16,700 adults that had smoked. The studies compared the instances of quitting smoking using e-cigarettes to other nicotine replacements including nicotine replacement therapy, nicotine-free e-cigarettes, behavioral support and others. Of the available evidence, the authors found that more people "probably stop smoking for at least six months using nicotine e-cigarettes than using nicotine replacement therapy ... or nicotine-free e-cigarettes." The authors also found that e-cigarette "may help more people to stop smoking than no support or [behavioral] support only."³⁶

Society for Research on Nicotine and Tobacco (SRNT): An article in August 2021 coauthored by 15 past presidents of the SRNT reported that "Many scientists have concluded that vaping is likely substantially less dangerous than smoking". Furthermore, they found that "A growing body of evidence indicates that vaping can foster smoking



cessation" and warned "Studies have found that policies intended to restrict e-cigarette use may have unintentionally increased cigarette smoking".³⁷

Menthol Bans Have Little Effect on Smoking Rates, Lead to Black Markets, Lost Revenue and Will Create Racial Tension

Beyond e-cigarettes, policymakers' fears about the role of menthol and flavorings in cigarettes and cigars are overblown and banning these products will likely lead to black markets.

Data from the National Health Interview Survey (NHIS) finds nearly a third of all American adult smokers smoke menthol cigarettes. In a 2015 NHIS survey, "of the 36.5 million American adult smokers, about 10.7 million reported that they smoked menthol cigarettes," and white menthol smokers "far outnumbered" the black and African American menthol smokers.³⁸

Although lawmakers believe banning menthol cigarettes will deter persons from smoking those, such a ban will likely lead to black markets. A 2012 study featured in the journal *Addiction* found a quarter of menthol smokers surveyed indicated they would find a way to purchase, even illegally, menthol cigarettes should a menthol ban go into place.³⁹ Further, there is little evidence that smokers would actually quit under a menthol ban. A 2015 study in *Nicotine & Tobacco Research* found only 28 percent of menthol smokers would give up cigarettes if menthol cigarettes were banned.⁴⁰

Moreover, there is no evidence to suggest that menthol cigarettes lead to youth tobacco use. Analysts at the Reason Foundation examined youth tobacco rates and menthol cigarette sales.⁴¹ The authors of the 2020 report found that states "with more menthol cigarette consumption relative to all cigarettes have *lower* rates of child smoking." Indeed, the only "predictive relationship" is between child and adult smoking rates, finding that "states with higher rates of adult use cause higher rates of youth use."

Lawmakers should take note that menthol sales bans will strain minority communities. Although white Americans smoke more menthol cigarettes than black or African Americans, "black smokers [are] 10-11 times more likely to smoke" menthol cigarettes than white smokers.⁴²

Given African Americans' preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences.

A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market.⁴³ The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, "having a higher share of non-white households was associated with a lower probability of finding a local tax stamp" and "neighborhoods with higher

proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes."

Lawmakers in Hawaii should reexamine the case of Eric Garner, a man killed in 2014 while being arrested for selling single cigarettes in the city. In a 2019 letter to the New York City council, Garner's mother, as well as Trayvon Martin's mother, implored officials to "pay very close attention to the unintended consequences of a ban on menthol cigarettes and what it would mean for communities of color."⁴⁴ Both mothers noted that a menthol ban would "create a whole new market for loosies and re-introduce another version of stop and frisk in black, financially challenged communities."

Conclusion & Summary Points

Despite alarmism, electronic cigarettes are effective tobacco cessation products that have helped thousands of Hawaiian adults quit combustible cigarettes and flavors are essential in this use. Although youth use of vapor products is concerning, lawmakers must refrain from alarmist efforts that would restrict access to flavors. Rather than prohibition, lawmakers ought to invest already-existing tobacco monies to fund robust tobacco control programs including cessation efforts, education, and youth prevention campaigns.

- Combustible cigarette use among Hawaiian high schoolers are at record lows. In 2019, 5.3 percent reported current use of cigarettes, an 83.6 percent decrease from 1995.
- Nationally, current vapor product use among high school students has declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes on at least one occasion in the 30 days prior to the survey.
- Hawaii spends very little of existing tobacco monies on tobacco control programs.
- In 2020, the Aloha State collected \$102.4 million in state cigarette excise taxes and \$35.3 million in tobacco settlement payments, yet allocated only \$6.4 million (4.6 percent) to tobacco control. In 20 years, for every \$100 the state received in tobacco-related payments, it spent \$5.40 funding tobacco control programs. This is less than the average price of cigarettes which is \$9.55 per-pack.
- The vapor industry has been an economic boon to Hawaii, generating \$54.7 million in economic activity in 2021 while creating 190 direct vaping-related jobs. Further, the industry has contributed more than \$4.6 million in state taxes.
- Unfortunately, anti-vaping efforts have reduced the industry's economic impact. The number of employees decreased by 57.9 percent from 451 employees in 2018, state tax collections were down 51.2 percent from 2018's \$9.5 million, and overall economic activity was down by 45.7 percent from \$100.7 million in 2018.
- E-cigarettes' market emergence is associated with low young adult smoking rates. In 2020, among current smokers in Hawaii, only 11.4 percent current smokers were 18 to 24



years old – a 50.9 percent decrease from 2010. Further, since 2016, smoking rates among young adults have decreased by five percent.

• Data from existing youth surveys on tobacco and vapor product use indicate that high school students are not using e-cigarettes because of flavors. Overwhelmingly, high school students cite "friends/family" and "curiosity" as reasons for e-cigarette use.

Reasons for Youth E-Cigarette Use, State Youth Risk Behavior Surveys

TAXPAYERS PROTECTION ALLIANCE REASONS FOR E-CIG USE

What is the main reason you have used electronic vapor products? I used them for some other reason 2019 They are available in flavors, such as mint, candy, fruit, or chocolate CONNECTICU They are less harmful than other forms of tobacco They are easier to get than other tobacco products Youth Risk Behavior Survey (Percentage of High School Students) They cost less than other tobacco products To try to quit using other tobacco products Friend or family member used them I have never tried an electronic vapor product 0 10 30 40 50 60 70 20 Reasons for e-cigarette use (among ever e-cigarette users, choose all that apply): 2017 Some other reason AWA They can be used in areas where other tobacco products, such as cigarettes, are not allowed Hawai'i Youth Tobacco Survey (Percentage of High School Students) They are available in flavors, such as mint, candy, fruit, or chocolate They are less harmful than other forms of tobacco, such as cigarettes 10 0 5 15 20 25 30 35 40 45 What is the main reason you have used electronic vapor products? Used for some other reason 2019 Available in flavors Less harmful than other

MARYLAN Easier to get than other Cost less than other tobacco Youth Risk Behavior Survey (Percentage of High School Students) To try to guit other tobacco Friend/family used them Never used electronic vapor 0 10 20 30 40 50 60 70

Source: World Health Organization

What is the main reason you have used electronic vapor

TAXPAYERS PROTECTION ALLIANCE

products? (Select only one response.) Lused them for some other reason 2019 They are available in flavors, such as mint, candy, fruit, or chocolate They are less harmful than other forms of tobacco MONTANA They are easier to get than other tobacco products Youth Risk Behavior Survey They cost less than other tobacco products Percentage of High School Students) To try to quit using other tobacco products Friend or family member used them I have never used an electronic vapor product 0 5 10 15 20 25 30 35 40 45 50



TAXPAYERS PROTECTION ALLIANCE REASONS FOR E-CIG USE

Primary Reason for Using Electronic Vapor Products (Among



SOURCES:

f.

- Connecticut Department of Public Health, "Connecticut High School Survey Codebook," 2019 Youth Risk Behavior Survey Results, 2019, <u>https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT_Codebook.pdf</u>.
- Lance Ching, Ph.D., et al., "Data Highlights from the 2017 Hawai'i Youth Tobacco Survey," Hawai'i State Department of Health, June 29, 2018,

http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS_2017_Report.pdf.

- Maryland Department of Public Health, "Maryland High School Survey Detail Tables Weighted Data," 2018 Youth Risk Behavior Survey, 2018, <u>https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDH%20Detail%20Tables.pdf</u>.
- Montana Office of Public Instruction, "2019 Montana Youth Risk Behavior Survey High School Results," 2019, <u>http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?</u>
- ver=2019-08-23-083248-820.
 State of Rhode Island Department of Health, "Rhode Island High School Survey Detail Tables Weighted Data," 2019 Youth Risk Behavior Survey Results, 2019, <u>https://health.ri.gov/materialbyothers/yrbs/2019HighSchoolDetailTables.pdf</u>.
- Vermont Department of Health, "2019 Vermont Youth Risk Behavior Survey Statewide Results," March, 2020, <u>https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS_YRBS_statewide_report.pd</u>
- Virginia Department of Health, "Virginia High School Survey Detail Tables Weighted Data," 2019 Youth Risk Behavior Survey Results, 2019, <u>https://www.vdh.virginia.gov/content/uploads/sites/69/2020/06/2019VAH-Detail-Tables.pdf</u>.

¹ Centers for Disease Control and Prevention, "High School YRBS 2019 Results," 2019, <u>https://nccd.cdc.gov/Youthonline/App/Default.aspx</u>.

³ National Center for Chronic Disease Prevention and Health Promotion, "Best Practices for Comprehensive Tobacco Control Programs," *Office on Smoking and Health*, Centers for Disease Control and Prevention, 2014, <u>https://www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2014/comprehensive.pdf</u>.

⁴ Ibid.

⁵ Ibid.

⁹Campaign for Tobacco-Free Kids, "Actual Annual Tobacco Settlement Payments Received by the States, 1998 – 2021," January 11, 2022, <u>https://www.tobaccofreekids.org/assets/factsheets/0365.pdf</u>.

¹¹ National Center for Chronic Disease Prevention and Health Promotion, "E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General," 2016, <u>https://www.ncbi.nlm.nih.gov/books/NBK538679/</u>.

¹² Fatma Romeh M. Ali, PhD., et *al.*, "E-cigarette Unite Sales, by Product and Flavor Type – United States, 2014 – 2020," *Morbidity and Mortality Weekly Report*, Centers for Disease Control and Prevention, September 18, 2020, <u>https://www.cdc.gov/mmwr/volumes/69/wr/mm6937e2.htm/</u>.

¹³ Vapor Technology Association, "The Economic Impact of the Vapor Industry Hawaii," 2021, https://vta.guerrillaeconomics.net/reports/23871981-1df9-4325-9918-30adbf9085a2?.

¹⁴ Vapor Technology Association, "The Economic Impact of the Vapor Industry Hawaii," 2018, https://vta.guerrillaeconomics.net/reports/9aa96bb8-b7c8-4100-9611-f0acc6612e31?.

¹⁵ Lance Ching, Ph.D., et al., "Data Highlights from the 2017 Hawai'i Youth Tobacco Survey," Hawai'i State Department of Health, June 29,

2018, http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS 2017 Report.pdf.

¹⁶ Connecticut Department of Public Health, "Connecticut High School Survey Codebook," 2019 Youth Risk Behavior Survey Results, 2019, https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/CSHS/2019CT_Codebook.pdf.

¹⁷ Lance Ching, Ph.D., et al., "Data Highlights from the 2017 Hawai'i Youth Tobacco Survey," Hawai'i State Department of Health, June 29,

2018, http://www.hawaiihealthmatters.org/content/sites/hawaii/YTS 2017 Report.pdf.

¹⁸ Maryland Department of Public Health, "Maryland High School Survey Detail Tables – Weighted Data," 2018 Youth Risk Behavior Survey, 2018,

https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018M DH%20Detail%20Tables.pdf.

¹⁹ Montana Office of Public Instruction, "2019 Montana Youth Risk Behavior Survey High School Results," 2019, <u>http://opi.mt.gov/Portals/182/Page%20Files/YRBS/2019YRBS/2019_MT_YRBS_FullReport.pdf?ver=2019-08-23-083248-820</u>.

² Eunice Park-Lee PhD. et *al.*, "*Notes from the Field:* E-Cigarette Use Among Middle and High School Students – National Youth Tobacco Survey, United States, 2021," *Morbidity and Mortality Weekly Report*, Centers for Disease Control and Prevention, October 1, 2021, <u>https://www.cdc.gov/mmwr/volumes/70/wr/mm7039a4.htm</u>.

⁶ Center for Labor Education & Research, "How Hawaii Got Its Tax System," *Honolulu Record Digitization Project*, University of Hawaii, January 24, 1957,

http://www.hawaii.edu/uhwo/clear/HonoluluRecord/articles/v9n26/How%20Hawaii%20Got%20Its%20Tax%20Sys tem.html. Archived.

⁷ Orzechowski and Walker, "The Tax Burden on Tobacco Historical Compilation Volume 55," 2021. Print. ⁸ Tobacco Control Legal Consortium, "The Master Settlement Agreement: An Overview," August 2015, p. 1, http://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-msa-overview-2015.pdf.

¹⁰ Campaign for Tobacco-Free Kids, "Appendix A: History of Spending for State Tobacco Prevention Programs," 2021, <u>https://www.tobaccofreekids.org/assets/factsheets/0209.pdf</u>.

²⁰ State of Rhode Island Department of Health, "Rhode Island High School Survey Detail Tables – Weighted Data," 2019 Youth Risk Behavior Survey Results, 2019,

https://health.ri.gov/materialbyothers/yrbs/2019HighSchoolDetailTables.pdf.

²¹ Vermont Department of Health, "2017 Vermont Youth Risk Behavior Survey Report Winooski SD Report," 2018, <u>https://www.healthvermont.gov/sites/default/files/documents/pdf/WINOOSKI_SD_%28SU017%29.pdf</u>.

²² Vermont Department of Health, "2019 Vermont Youth Risk Behavior Survey Statewide Results," March, 2020, <u>https://www.healthvermont.gov/sites/default/files/documents/pdf/CHS_YRBS_statewide_report.pdf</u>.

²³ Virginia Department of Health, "Virginia High School Survey Detail Tables – Weighted Data," 2019 Youth Risk Behavior Survey Results, 2019, <u>https://www.vdh.virginia.gov/content/uploads/sites/69/2020/06/2019VAH-Detail-</u>Tables.pdf.

²⁴ Lindsey Stroud, "Vaping Up, Smoking Increasing Among Teens in San Francisco – Despite Bans," *Tobacco Harm Reduction 101*, July 28, 2020, <u>https://www.thr101.org/research/2020/vaping-up-smoking-increasing-among-teens-in-san-francisco-despite-bans</u>.

²⁵ Centers for Disease Control and Prevention, "San Francisco, CA 2017 Results," *High School Youth Risk Behavior Survey*, 2017, <u>https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=SF</u>.

²⁶ Yong Yang et *al.*, "The Impact of a Comprehensive Tobacco Product Flavor Ban in San Francisco Among Young Adults," *Addictive Behavior Reports*, April 1, 2020,

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/#!po=0.961538.

²⁷ Lindsey Stroud, "Flavor Bans Do Not Reduce Youth E-Cigarette Use," *Tobacco Harm Reduction 101*, 2019, https://www.thr101.org/research/2019/flavor-bans-do-not-reduce-youth-e-cigarette-use.

²⁸ John Bukell, Joachim Marti, and Jody L. Sindelar, "Should flavours be banned in e-cigarettes? Evidence on adult smokers and recent quitters from a discrete choice experiment," *Tobacco Control*, May 28, 2018, https://tobaccocontrol.bmi.com/content/tobaccocontrol/28/2/168.full.pdf.

²⁹ Heather Posner *et al.*, "Reactions to sales restrictions on flavored vape products or all vape products among young adults in the US," *Nicotine & Tobacco Research*, July 31, 2021, <u>https://academic.oup.com/ntr/advance-article-abstract/doi/10.1093/ntr/ntab154/6332852?redirectedFrom=fulltext</u>.

³⁰ David J. K. Balfour, et al. "Balancing Consideration of the Risks and Benefits of E-Cigarettes", *American Journal of Public Health* 111, no. 9 (September 1, 2021): pp. 1661-1672.

https://ajph.aphapublications.org/doi/10.2105/AJPH.2021.306416

³¹ A. McNeill *et al.*, "E-cigarettes: an evidence update," Public Health England, August,

2015, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachm.

³² A. McNeill *et al.*, "Evidence review of e-cigarettes and heated tobacco products 2018," Public Health England, February

2018, <u>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684963/Evi</u> dence review of e-cigarettes and heated tobacco products 2018.pdf.

³³ A. McNeill *et* al., "Vaping in England: an evidence update including vaping for smoking cessation, February 2021," Public Health England,

³⁴ Royal College of Physicians, *Nicotine without Smoke: Tobacco Harm Reduction*, April,

2016, https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0.

³⁵ Committee on the Review of the Health Effects of Electronic Nicotine Delivery Systems, "Public Health Consequences of E-Cigarettes," The National Academies of Science, Engineering, and Medicine, 2018, <u>https://www.nap.edu/catalog/24952/public-health-consequences-of-e-cigarettes</u>.

³⁶ Hartmann-Boyce J. *et al.*, "Can electronic cigarettes help people stop smoking, and do they have any unwanted effects when used for this purpose?," *Cochrane Review*, September 14, 2021,

https://www.cochrane.org/CD010216/TOBACCO can-electronic-cigarettes-help-people-stop-smoking-and-do-theyhave-any-unwanted-effects-when-used.

³⁷ David J. K. Balfour, *et al.* "Balancing Consideration of the Risks and Benefits of E-Cigarettes", *American Journal of Public Health* 111, no. 9 (September 1, 2021): pp. 1661-1672. https://ajph.aphapublications.org/doi/10.2105/AJPH.2021.306416



³⁸ Brad Rodu, "Who Smokes Menthol Cigarettes?" *Tobacco Truth*, December 4, 2018,

https://rodutobaccotruth.blogspot.com/2018/12/who-smokes-menthol-cigarettes.html.

³⁹ RJ O'Connor *et al.*, "What would menthol smokers do if menthol in cigarettes were banned?" Addiction. April 4. 2012, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370153/.

⁴⁰ Olivia A. Wackowski, PhD, MPH, et al., "Switching to E-Cigarettes in the Event of a Menthol Cigarette Ban," Nicotine & Tobacco Research, January 29, 2015,

https://www.researchgate.net/publication/271592485 Switching to E-

<u>Cigarettes in the Event of a Menthol Cigarette Ban</u>. ⁴¹ Guy Bentley and J.J. Rich, "Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?" Policy Study, Reason Foundation, January 30, 2020, https://reason.org/policy-study/does-menthol-cigarette-distributionaffect-child-or-adult-cigarette-use/

⁴² D. Lawrence et al., "National patterns and correlates of mentholated cigarette use in the United States," Addiction, December, 2010, https://www.ncbi.nlm.nih.gov/pubmed/21059133.

⁴³ National Research Council, "Understanding the U.S. Illicit Tobacco Market: Characteristics, Policy Context and Lessons from International Experiences," The National Academies Press, 2015, https://www.nap.edu/download/19016.

⁴⁴ Carl Campanile, "Menthol cig ban will lead to more stop-and-frisk: Moms of Garner, Martin," New York Post, October 16, 2019, https://nypost.com/2019/10/16/menthol-cig-ban-will-lead-to-more-stop-and-frisk-moms-ofgarner-martin/.

TOBACCO & VAPING 101: HAWAII

Smoking rates continue to decline in the Aloha State.



In 2020, only 11.6% of adults were current smokers. This is a 5.7% decrease from 2019: 12.3% adults smoked 2020: 11.6% adults smoked 2020: 11.6%

Low-Income Persons More Likely to Smoke

Nearly half (43.9%) of all current smokers earned less than \$24,999 per year in 2020.



YOUTH TOBACCO & VAPOR USE CONTINUES TO DECLINE

Nationally, current vapor product use among high school²⁵ students has declined²⁰ by 41.8% since 2020 and by 58.9% since 2019,¹⁵ when 27.5% reported¹⁰ using e-cigarettes on at least one occasion in⁵ the 30 days prior to the⁰ survey.



E-CIGARETTES EMERGENCE LED TO SIGNIFICANT DECREASE IN SMOKING RATES AMONG YOUNG ADULTS



VAPE SHOP ECONOMIC IMPACT

Hawaii's vaping industry generated \$54.7 million in economic activity in 2021 while generating 190 direct vaping-related jobs and contributed more than \$4.6 million in state taxes.

Unfortunately, anti-vaping efforts have reduced the industry's economic impact. The number of employees decreaed by 57.9% from 451 employees² in 2018, state tax collections were down 51.2% and overall economic activity decreased 45.7% from \$100.7 million in 2018.



WASTED TOBACCO DOLLARS



IN 20 YEARS, FOR EVERY \$100 HAWAII RECEIVED IN TOBACCO-RELATED PAYMENTS, IT SPENT \$5.40 FUNDING TOBACCO CONTROL PROGRAMS Hawaii continues to allocate very little of tobacco-related settlement payments and taxes on tobacco control programs, including education and prevention.

In 2020, the Aloha State collected \$102.4 million in state cigarette excise taxes and \$35.3 million in tobacco settlement payments, yet allocated only \$6.4 million (4.6%) to tobacco control.

<u>SB-3118</u> Submitted on: 2/2/2022 9:19:45 AM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Benjamin Rajadurai	Individual	Oppose	No

Comments:

Dear Senator,

On behalf of Americans for Tax Reform (ATR), a non-profit organization that advocates in the interests of taxpayers and consumers throughout the United States, I urge you to reject SB3118 as well as all similar upcoming legislation. The state of Hawaii is attempting to enact misguided legislation which seeks to restrict access to lifesaving reduced-risk tobacco alternatives such as electronic cigarettes through flavor bans proven critical to the process of helping adults quit smoking. The evidence demonstrates that if enacted, this bill would have a disastrous impact upon not only businesses, but public health throughout the State, and led to a clear increase in tobacco-related mortality.

ATR further submits that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses, at a time when they can afford it least. It would kill thousands of jobs and would cost business owners their livelihood. Hawaii's total economic cost would be devastating.

Studies have repeatedly shown that flavors, which SB3118 and the numerous identical bills in progression would prohibit, are critical to helping adult smokers make the switch to vaping. For example, adults who use flavored vapor products are 43% more likely to quit smoking than an adult who uses un-flavored products, according to a recent <u>study</u> from ten of the world's top experts in cancer prevention and public health.

Further, bans on flavored vaping products are shown to cause increased youth cigarette smoking. A <u>study</u> from Dr. Abigail Friedman at the Yale School of Public Health found that youth smoking doubled when San Francisco imposed a flavor ban in 2018. Before San Francisco's flavor ban, the city had lower youth smoking rates than comparable counties like New York and Los Angeles. After the flavor ban, San Francisco's youth smoking rate rose to 6.2%, while comparable districts had an average rate of 2.8%.

Additionally, contrary to the claims of anti-vaping advocates, Contrary to the claims of antivaping advocates, flavors play no role in youth uptake of vaping. Academic studies have found that teenage non-smokers' willingness to try plain versus flavored varieties did not differ," and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. Furthermore, national Youth Tobacco Survey results have shown <u>no increase in nicotine</u> <u>dependency</u> among youths since flavored products entered the market. Along with the flavor bans imposed on reduced risk tobacco alternatives, SB3118 and the identical bills in progression extend flavor prohibition to menthol cigarettes and other conventional tobacco products. Like bans on flavors in reduced risk tobacco alternatives, these would also come with significant negative consequences for the state, with no evidence whatsoever that they have any effect in reducing smoking rates. To the contrary, real-world evidence from Massachusetts demonstrates that such bans are counterproductive and come at significant cost.

Since Massachusetts implemented a ban on all flavored tobacco products in the middle of 2020, cross-border purchases and the creation of a booming black market have more than made up a decline in sales in the Commonwealth. In the first since months since the ban was enacted, Massachusetts retailers have sold 17.7 million fewer cigarette packets compared to the same six months in the prior year, while neighboring Rhode Island and New Hampshire have combined to sell 18.9 million more as Massachusetts residents stocked up across state lines. The loss to the state, already amid a fiscal crisis brought on by the Covid-19 pandemic, has thus far been a staggering \$73,008,000.

While the states of Rhode Island and New Hampshire have been some of the biggest beneficiaries of Massachusetts' ban, collecting close to \$50 million in additional revenue, criminal syndicates have also benefited. Contrary to widespread belief that tobacco smuggling is a victimless crime consisting of someone purchasing a few extra cartons across state lines, most tobacco smuggling is run by multi-million dollar organized crime syndicates. These networks, who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a "threat to national security".

Paradoxically these bans may therefore increase youth smoking in the state: By definition, criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

Prohibitions on menthol-flavored cigarettes will disproportionately impact minority populations and communities of color. Banning menthol cigarettes will also significantly increase the policing of minority communities and lead to a rise in negative interactions between law enforcement and people of color. This proposal prioritizes criminalization over harm reduction and public health and will ensure that people of color will disproportionately suffer from the enforcement of SB3118.

Civil liberty organizations such as the American Civil Liberties Union (ACLU), the Law Enforcement Action Partnership, and the Drug Policy Alliance are all <u>opposed</u> to bans on menthol and other flavored tobacco products for these same reasons. Further, law enforcement officials <u>overwhelmingly</u> oppose a menthol ban because it will spur smuggling, counterfeit cigarettes, and increase organized crime.

About E-Cigarettes and Vapor Products:

- Traditional combustible tobacco remains one of the leading preventable causes of death in Hawaii. The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine. While highly addictive, nicotine is a benign substance like caffeine and nicotine use "does not result in clinically significant short- or long-term harms".
- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. However, in recent years, advancements in technology have created a more effective alternative: vapor products and e-cigarettes. These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been <u>proven to be at least 95% safer</u> than combustible cigarettes. In addition, a comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.
- E-cigarettes are also more than <u>twice as effective</u> at helping smokers quit than traditional nicotine replacement therapies. According to one <u>study</u>, a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation than someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.
- Vaping has been endorsed by over 50 of the world's leading <u>public health organizations</u> as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. However, due to increased access to vaping, the U.S. adult smoking <u>rate</u> has plummeted to 13.7% as of 2018.
- A new <u>analysis</u> this year by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British

smokers, who would have continued smoking otherwise, quit smoking with vaping.

- A University of Glasgow study showed that e-cigarettes <u>help disadvantaged</u> persons quit smoking. Another study demonstrated that high-strength electronic nicotine products are <u>particularly helpful</u> for smokers with mental health issues to quit smoking, like people with schizophrenia who smoke at rates more than three times the national average. Some 40% of participants had stopped smoking traditional cigarettes by the end of 12 weeks. Researchers observed an overall, sustained 50% reduction in smoking or complete smoking abstinence in 92.5% of participants at the end of 12 weeks. LD 1550 will have a tremendously negative impact on public health and would fail to decrease socioeconomic disparities by reducing adult access to products shown to improve public health.
- Large-scale <u>analysis</u> from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if a majority of cigarette smokers switched to vaping. This would save more than 28,000 lives in Hawaii.

For the reasons outlined above, in the interests of public health, protecting the Hawaiian economy, and the spread of smuggling cartels, we call upon you to accept the science and vote against SB3118 and the identical bills currently in progression. Thousands of lives depend upon it.

Sincerely,

Ben Rajadurai State Affairs Manager Americans for Tax Reform

<u>SB-3118</u> Submitted on: 2/2/2022 10:26:23 AM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cori Takesue	Individual	Support	No

Comments:

I STRONGLY SUPPORT SB3118 as it serves to ban the sale of flavored tobacco products, including menthol. Electronic smoking devices (ESDs) continue to be an epidemic amongst our youth with numbers in Hawaii youth being extremely high, especially on rural islands. Our youth are drawn to the flavors in tobacco products and one they start using, the highly addictive nicotine keeps them using the product. According to the National Youth Tobacco Survey, in 2020, 8 in 10 youth who currently use e-cigarettes reported using a flavored product which is up from 7 in 10 in 2019. Ending the sale of flavored tobacco products will reduce the appeal of these products and protect our keiki from a lifetime of addiction.

Menthol also continues to be problematic as it serves to mask the harshness of tobacco, which makes it easier for youth to start using and harder to quit. Our legislation should be focused on protecting our keiki and not setting them up for developing addictive or harmful behaviors. It should be our goal to reduce the burden of tobacco in our communities, which includes stopping the sale of flavored tobacco and menthol as both entice our youth to trying these products.

Please pass SB 3118 to show that you care for the health and well-being of our Keiki. The tobacco manufacturers and industry don't care that their products are harming our youth as their main goal is profit. In the end, tobacco ends up costing our State in medical care costs as tobacco is one of the most damaging substances to our overall health.

<u>SB-3118</u> Submitted on: 2/2/2022 10:39:08 AM Testimony for HTH on 2/2/2022 1:00:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brittany Dayton	Individual	Support	No

Comments:

Flavors hook kids!

Chair Jarrett Keohokalole Vive Chair Rosalyn Baker Members of the Committee on health



TESTIMONY IN SUPPORT OF SB 3118, RELATING TO TOBACCO PRODUCTS

My name is Julian Lipsher, testifying as an individual in support of SB 3118. I currently serve as Chair of the Coalition For a Tobacco Free Hawaii's Policy Committee which is part of the Hawaii Public Health Institute and formerly was with the Hawaii State Department of Health, focusing on tobacco prevention and control and chronic disease prevention.

Despite decades of progress in tobacco control, Hawaii and the nation is still confronted with smoking and tobacco use being the leading cause of health and disease. Hawaii has some of the strictest and most comprehensive protections regarding exposure to secondhand smoke and sale of traditional tobacco products. Yet currently the practice of vaping and use of electronic smoking devices has resulted in significant rates of delivery of nicotine and flavored products to our youth, potentially addicting a new generation of smokers.

As the tobacco industry attempted more than a decade before, the introduction of flavored tobacco products entice youth as evidenced in the CDC's Youth Tobacco Survey. Hawaii's middle and high school students report vaping rated above national averages with disproportionate use among Native Hawaiian and Pacific Islanders. In 2020, 8 in 10 youth currently using e-cigarettes report using flavored products.

Menthol, the predominate flavor choice is just as, if not more, harmful than other flavors added to tobacco. Menthol has the ability to disguise the harshness of tobacco making it easier to start and once addicted, harder to quit.

Ending the sale of flavored tobacco products is a matter of health equity. The industry has long marketed menthol products to low income communities, especially people of color. According to the Hawaii data, 78 percent of Native Hawaiians and Pacific Islanders use menthol with mint and menthol being the most popular flavors among youth.

If our objective is to protect Hawaii's children and reverse the current trends in youth vaping, we need to include menthol.

Thank you for the opportunity to testify on this measure.